



Security Council

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Letter dated 23 May 2007 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council

On 26 March 2004, the Security Council adopted resolution 1534 (2004), in which it requested the Tribunal to provide to the Council by 31 May 2004, and every six months thereafter, assessments by its President and Prosecutor setting out in detail the progress made towards the implementation of the completion strategy, explaining what measures had been taken to implement it and what measures remained to be taken.

After consulting with the Prosecutor, and in conformity with that resolution, I am pleased to submit to you a revised version of the completion strategy of the International Criminal Tribunal for Rwanda, containing the assessment requested (see enclosure).

(Signed) Erik Mose
President



Enclosure

Completion strategy of the International Criminal Tribunal for Rwanda

Summary

This document details the Completion Strategy of the International Criminal Tribunal for Rwanda (ICTR), based on the information available by 15 May 2007. It takes into account the deadlines set in Security Council resolutions 1503 (2003) and 1534 (2004).

Judgments have been delivered in the first instance in respect of thirty-three persons. Judgment in another single-accused case is expected soon. The hearing of evidence in one multi-accused trial, involving four accused, has concluded. Trials involving twenty-two further accused are currently in progress. Consequently, the number of persons whose trials have either been completed or are in progress is sixty. Eight detainees are awaiting trial. The Prosecutor proposes to request the transfer of a maximum of three of them to national jurisdictions.

Eighteen indicted persons are still at large. The Prosecutor intends to request the transfer of most of these persons to national jurisdictions for trial. Some of the indictees may be dead, whereas others may not be found.

The cases involving the twenty-two accused whose trials are currently in progress will be completed from 2007 onwards. Trials of the remaining accused earmarked for trial in Arusha will commence as soon as Trial Chamber and court room capacity permits. On the basis of the information presently available, it is estimated that by the end of 2008, the Tribunal would have completed trials involving sixty-five to seventy persons.

I. Introduction

1. The present document contains an up-dated and revised version of the ICTR Completion Strategy as of 15 May 2007. It takes into account Security Council resolutions 1503 (2003) and 1534 (2004), adopted on 28 August 2003 and 26 March 2004, respectively. The document has been progressively elaborated based on contributions from the President, the Prosecutor, and the Registrar. The basis for the consultations between these three organs was originally a document entitled "Completion Strategy of the Office of the Prosecutor", which contained developments as of 29 April 2003.¹ The present document, which is the ninth report on the

¹ A first version of the ICTR Completion Strategy was submitted to United Nations Headquarters on 14 July 2003. That document was prepared within the context of General Assembly resolution 57/289 (2003), para. 15 (a), which provided that the proposed budget of the ICTR for 2004-2005 should include "detailed information as to how the resources requested for the biennium would support the development of a sound and realistic completion strategy". A second version of the ICTR Completion Strategy was submitted to United Nations Headquarters on 29 September 2003 and formed the basis of the ICTR request to increase the number of *ad litem* judges sitting "at any one time" from four to nine. The third to eighth versions of the Completion Strategy were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006 and 8 December 2006, respectively.

Completion Strategy, is based on revised information provided by the Prosecutor and recent developments in 2007.²

2. It is recalled that the first accused was transferred to Arusha in May 1996. Since the first trial started in January 1997, the ICTR has handed down twenty-seven judgments involving thirty-three accused. Of these, twenty-eight persons were convicted and five acquitted. Six of these convicted persons whose judgments are final are presently serving their sentences in Mali. The total output of the second mandate (1999-2003) amounts to nine judgments involving fourteen accused, which is double the number of accused that were tried in the first mandate (1995-1999). So far in the third mandate (2003-2007), the Tribunal has commenced twenty-one cases involving twenty-nine accused and delivered twelve judgments involving twelve accused, whereas the thirteenth judgment (one accused) will be delivered soon. One multi-accused case (four accused) which commenced in the second mandate has been completed. The above information is reflected in the table contained in Annex I.

3. In addition to the thirty-three persons whose cases have been completed in the first instance and the two cases (involving a total of five persons) at the judgment writing stage, twenty-two accused are involved in nine trials. Four of these trials are multi-accused cases and very voluminous: the Butare case (six accused), the Government case (four accused), the Military II case (four accused) and the Karemera *et al.* case (three accused). There are five single-accused trials: Zigiranyirazo (commencement on 3 October 2005), Bikindi (18 September 2006), Nchamihigo (25 September 2006), Rukundo (15 November 2006) and Renzaho (8 January 2007). Consequently, the total number of accused whose trials have been completed or are in progress is sixty. A further single-accused trial is scheduled to commence in June 2007. Details are given below (II).

4. Eight detainees are awaiting the commencement of their trials. The Prosecutor intends to request the transfer of a maximum of three persons to national jurisdictions for trial. The remaining detainees will have their cases heard when the Tribunal's capacity so allows (III and para. 29).

5. There are eighteen indicted persons at large. The Prosecutor intends to request the transfer of the cases of most of these persons to national jurisdictions for trial (V and VI).

6. Some of the accused at large may be dead, whereas others may not be arrested. Consequently, the actual number of persons brought to trial before the ICTR may be less than the number projected above. As part of the Completion Strategy, the Prosecutor has formulated a more aggressive programme for the tracking and apprehension of fugitives. The Tracking Team Section within the Investigation Division has been re-organised and strengthened. The Prosecutor has also visited a number of Member States of the United Nations with a view to securing their political support and cooperation for the arrest and transfer of fugitives.

² Following his first address to the Security Council in October 2003, the new ICTR Prosecutor, Mr. Hassan B. Jallow, reviewed all the cases that were not currently on trial, with a view to determining which cases could reasonably be completed within the time frame set by the Security Council in Resolution 1503. The document dated 28 February 2004, entitled "Completion Strategy of the Office of the Prosecutor", was the result of this review.

7. The Prosecutor considers that approximately forty suspects could be tried in national jurisdictions. He is currently engaged in discussions with some States for this purpose and has already transferred thirty case files to Rwanda and one case file to Belgium.

8. Security Council resolution 1503 (2003) provides that all work of the ICTR and the International Criminal Tribunal for the Former Yugoslavia (ICTY) shall be completed by 2010. It is difficult at this stage to indicate a precise completion strategy for the ICTR Appeals Chamber, which is linked to the ICTY completion strategy. It is recalled, however, that most judgments rendered to date have been appealed. In addition to a number of review decisions, the Appeals Chamber rendered judgement in one further appeal (Ndindabahizi) on 16 January 2007. There are five judgments, involving seven persons, currently on appeal (the Media case, Muhimana, Simba, Muvunyi and Seromba), with judgement in the Muhimana case scheduled for 21 May 2007. It is anticipated that the Appeals Chamber's already heavy workload will, in all likelihood, continue to increase. It has been observed from past experience that appeals are normally lodged by both (in multi-accused cases all) parties. Therefore, the real number of appeals is much higher than the number of judgments on appeal. As the workload of the Trial Chambers decreases, the focus will shift to the Appeals Chamber where a drastic increase in work is anticipated. This increase is further compounded by the fact that the Judges of the Appeals Chamber also consider ICTY appeals. There will, at some stage, be a need to increase the number of judges at the Appeals Chamber if there are to be any reasonable prospects of completing all appeals by 2010. This will require an amendment of the Statute.

9. On 13 June 2006, the Security Council adopted Resolution 1684, which extended the term of office of all ICTR permanent judges until 31 December 2008. On 13 October 2006, Resolution 1717 extended the terms of office of all ICTR *ad litem* judges until the same date. This provides the Tribunal with the continuity, stability and certainty necessary for the efficient and effective planning of trials.

II. Activities in Chambers

10. On 3 December 2003, *Trial Chamber I* delivered judgment in the "Media case", which was heard during the second mandate. It has also been hearing the continuation of the Military I case (Bagosora, Kabiligi, Ntabakuze and Nsengiyumva), transferred from the previous Trial Chamber III. The Prosecution closed its case in September 2004 after having called eighty-two witnesses. The Defence case started in April 2005 and concluded on 19 January 2007. The Military I trial has been twin-tracked with the Ndindabahizi trial (from 1 September 2003), in which judgment was delivered on 15 July 2004; the Simba trial (from 30 August 2004), where judgment was delivered on 13 December 2005; the Mpambara trial (from 19 September 2005), in which judgment was delivered on 12 September 2006; the Karera trial (from 9 January 2006), in which judgment is expected soon, and the Renzaho trial (from 8 January 2007).³ Judgment was also rendered in the Serugendo case (guilty plea) on 12 June 2006.

³ "Twin-tracking" means that two trials are heard in consecutive slots, and is illustrated as follows: Trial A five weeks, trial B five weeks, trial A five weeks, etc. Defence counsel in trial A will leave Arusha while trial B is heard. The purpose of this system is to use inevitable breaks during one trial to ensure progress of another case. Such breaks allow the Prosecution and the Defence to prepare for the next stage of the proceedings (for instance by interviewing witnesses etc.).

11. *Trial Chamber II* was engaged in three trials concurrently during the second mandate. Judgment in the Kajelijeli trial was rendered on 1 December 2003. The Kamuhanda trial concluded with judgment on 22 January 2004. Particularly voluminous is the Butare trial. It involves six accused, which is the largest number of accused jointly tried (Nyiramasuhuko, Ntahobali, Nsabimana, Nteziryayo, Kanyabashi and Ndayambaje).⁴ In the third mandate, Trial Chamber II has given priority to the completion of the Butare trial. The Prosecution closed its case after having called fifty-nine witnesses and the Defence commenced its case on 31 January 2005. On 5 November 2003, the Trial Chamber started the trial in the Government case, involving four government ministers (Bizimungu, Mugenzi, Bicamumpaka and Mugiraneza). The Defence case, which commenced on 1 November 2005, is currently being presented. On 20 September 2004, the Military II trial started. The Prosecution closed its case on 7 December 2006 and the defence case, which commenced on 16 April 2007, is ongoing. Judgment was delivered in the Muvunyi trial, which commenced on 28 February 2005, on 12 September 2006. Two judgements were also rendered following guilty pleas: on 13 April 2006 in the Bisengimana case and on 23 February 2007 in the Nzabirinda case. The Rukundo trial commenced on 15 November 2006 and the Prosecution case has concluded.

12. *Trial Chamber III* heard three trials contemporaneously during the second mandate: the Semanza case (one accused; judgment on 16 May 2003), the Cyangugu trial with three accused (Ntagerura, Bagambiki and Imanishimwe; judgment on 25 February 2004), and the Military I trial. Following the reconstitution of the Chambers in early June 2003, this case was transferred to Trial Chamber I (para. 10). In the third mandate, Trial Chamber III conducted the Gacumbitsi trial (from July 2003), in which judgment was delivered on 17 June 2004, and the Muhimana trial (from March 2004), where judgment was delivered on 28 April 2005. The Karemera *et al.* case commenced on 27 November 2003. Following the Appeals Chamber's decision of 28 September 2004 and its reasons of 22 October 2004, the trial had to commence *de novo*. One of the accused, André Rwamakuba was subsequently severed from this case, and his trial commenced on 9 June 2005, which led to judgment on 20 September 2006. The Karemera *et al.* trial, with the remaining three accused, commenced on 19 September 2005 before a different Trial Chamber Section in Trial Chamber III. The Prosecution is presenting its evidence. In the Seromba trial, which started on 20 September 2004, judgment was rendered on 13 December 2006. The Zigiranyirazo trial commenced on 3 October 2005. The Prosecution closed its case in late June 2006. The Defence case is expected to conclude in 2007. On 14 March 2005, Trial Chamber III rendered judgment in the Rutaganira case (guilty plea). One Trial Chamber Section commenced the Bikindi trial on 18 September 2006. Another Section started the Nchamihigo case on 25 September 2006. The Prosecution cases in both trials have concluded.

13. The eighteen single-accused cases that have commenced in the third mandate led to two judgments in 2004 (Gacumbitsi, Ndindabahizi), three judgments in 2005 (Rutaganira, who pleaded guilty; Muhimana and Simba), six judgments in 2006 (Bisengimana and Serugendo,

⁴ One of the judges in this Chamber was not re-elected for the third mandate (2003-2007). In resolution 1482 (2003), the Security Council did not extend his mandate for the purpose of enabling him to continue sitting on the Butare case. On 15 July 2003, the Chamber decided that the trial should continue with a substitute judge under Rule 15 *bis* of the Rules of Procedure and Evidence ("the Rules"). Appeals against this decision were dismissed by the Appeals Chamber on 24 September 2003.

who both pleaded guilty; Muvunyi, Mpambara, Rwamakuba and Seromba) and one judgment to date in 2007 (Nzabirinda, who pleaded guilty). One further judgment is expected soon. An overview of on-going trials is presented in [Annex 2](#).

III. Remaining Detainees

14. Eight detainees are awaiting the commencement of their respective trials. These cases are all single-accused trials, some of which will commence in 2007, depending on Trial Chamber and courtroom capacity. These detainees are identified in [Annex 3](#).

15. All of the remaining indicted persons may not be tried by the ICTR. In determining which individuals should be tried before the ICTR, the Prosecutor will be guided by the need to focus on those who are alleged to have been in positions of leadership and those who allegedly bear the greatest responsibility for the genocide. This approach is in conformity with Security Council resolution 1534 (2004). The criteria to be taken into consideration when making this determination are as follows:

- the alleged status and extent of participation of the individual during the genocide;
- the alleged connection an individual may have with other cases;
- the need to cover the major geographical areas of Rwanda in which the crimes were allegedly committed;
- the availability of evidence with regard to the individual concerned;
- the concrete possibility of arresting the individual concerned;
- the availability of investigative material for transmission to a State for national prosecution.

16. On the basis of these criteria, the Prosecutor intends to transfer the cases of a maximum of three of the present detainees to national jurisdictions for trial.⁵ It will be for the Trial Chambers to decide on the requests for transfer. The first decision on transfer was made on 13 April 2007, when a Trial Chamber decided on the request of the Prosecutor to transfer the case of Michel Bagaragaza to The Netherlands (para. 37).

IV. Remaining Workload Relating to the Detainees

A. General Observations

17. The analysis provided above (II-III) indicates that, in addition to the judgments involving thirty-three persons, the ICTR will deliver judgments in at least fourteen cases in respect of at least thirty persons from 2007 onwards (one single-accused and one multi-accused case at the judgment writing stage; twenty-two accused currently on trial and at least three detainees).⁶

⁵ As discussions with States are on-going, it is not possible to identify the cases involving detainees that may be transferred to national jurisdictions.

⁶ The fourteen cases involving thirty accused are Butare (6), Military I (4), Government (4), Military II (4), Karemera *et al.* (3), Zigiranyirazo (1), Karera (1), Bikindi (1), Nchamihigo (1), Rukundo (1) and Renzaho (1) plus at least three detainees.

Consequently, there is a need to estimate the time required to complete the trials of these persons.

18. In the first seven versions of the Completion Strategy, calculations and projections were premised on a sixty-two trial day average per accused. The computation of sixty-two trials per accused was an estimate.⁷ For ease of reference, the table that formed the basis for the estimate of sixty-two trial days per accused is annexed to this document (Annex 4). In the present document, with about nineteen months left until the end of December 2008, less emphasis is placed on calculations, and more upon an assessment of the time required based on specific and up-dated knowledge of the scope and nature of the remaining cases. This method was also used in the eight version of the Completion Strategy (November 2006).

19. Estimating the time needed to complete the trials has its difficulties. It is recalled, firstly, that the estimates in previous Completion Strategy reports were based on the number of witnesses and hours needed to present the Prosecution case, cross-examination and the Defence case. Since then, there has been considerable progress in many trials.

20. Secondly, the length of Defence cross-examination depends on factors relating to each individual case. Experience shows that in cases involving one accused, the cross-examination of Prosecution witnesses will generally take about the same amount of time as the examination-in-chief. In some instances, it may even be shorter. In multi-accused trials, the time taken for cross-examination often exceeds the time taken in examination-in-chief, particularly if the witness gives evidence implicating more than one or all the accused. It is assumed, as a working tool, that the total time taken for the cross-examination of a Prosecution witness will normally not exceed the total time taken for the examination-in-chief of that witness, when all cases are considered as a whole. In this context, it is taken into account that the Prosecution's list of witnesses has usually been reduced during trial.

21. Finally, it is recalled that information about Defence cases is difficult to obtain, particularly since some of these cases have not yet started and there is the issue of confidentiality when it comes to the trial strategy of the Defence. As a working tool, it is assumed that the time needed for the presentation of the Defence case should not exceed the time required for the presentation of the Prosecution case. Experience shows that it may sometimes take less time.

22. Factors which influence trial time include the number of counts in the indictments and the seriousness of the allegations; the alleged positions and roles of the accused and whether they are alleged to have acted alone or in concert with others, which may determine whether they are tried separately or jointly; and the nature, scope and length of the testimonies.

B. Trials in Progress

23. The on-going trials are at different stages of completion. The Tribunal's main challenge is the completion of the four remaining multi-accused cases. In the Butare trial (para. 11), the

⁷ In some cases, trial time was significantly less than sixty-two trial days per accused (Elizaphan and Gérard Ntakirutimana: thirty trial days per accused; Niyitegeka: thirty-five trial days; Gacumbitsi: thirty-two trial days; Ndindabahizi: twenty-seven trial days; Muhimana: thirty-four trial days; Mpambara: twenty-eight trial days; Karera: thirty-three trial days). Other cases took more time than sixty-two days.

fourth of the six accused is nearing the conclusion of his case. The trial is expected to be completed in 2007.

24. In the Military I trial (para. 10), the Defence case closed in January 2007 and closing arguments are scheduled from 28 May to 1 June 2007.

25. In the Government trial (para. 11), the second of the four Defence cases is nearing its conclusion. It is expected that the case will be completed in late 2007. Judgment is expected in 2008.

26. The Prosecution case in Military II closed in early December 2006 (para. 11). The Defence case commenced on 16 April 2007 and judgment is expected in 2008.

27. The Karemera *et al.* trial (para. 12) is a particularly complex case. Following the withdrawal of a judge from this trial for health reasons in January 2007, proceedings were stayed pending the conclusion of proceedings to determine whether this case could continue with a substitute judge. Following the Appeals Chamber ruling on 20 April 2007 and the appointment of a substitute judge to this case on 1 May 2007, the Karemera trial is set to resume on 11 June 2007. The Trial Chamber has taken steps to ensure that the Prosecution case should be completed before the end of 2007. It is hoped to conclude the trial in late 2008, although the possibility that this case, particularly in the judgment writing phase, may spill over into early 2009 cannot be excluded.

28. Turning now to the single accused cases, the Prosecution case in Zigiranyirazo (para. 12) has concluded and the Defence case is ongoing. This trial is expected to conclude in 2007. The hearing of the Defence cases in the Bikindi trial (para. 12), the Nchamihigo case (para. 12) and the Rukundo trial (para. 11) are also expected to be completed in 2007.

C. Detainees Awaiting Trial

29. There are eight detainees in Arusha whose trials have not commenced. The Prosecutor intends to transfer a maximum of three of them to national jurisdictions for trial (paras. 14-16). Trial of the remaining detainees will commence as soon as Trial Chamber and courtroom capacity allows. One of them, the Nsengimana case, will commence in June. The completion of the Military I, the Butare and the Government trials between 2007 and early 2008 (paras. 23-25) will gradually allow the judges presently hearing these multi-accused cases to conduct the remaining single-accused trials.

V. Workload Relating to Persons at Large and New Indictments

30. There are currently eighteen accused at large, most of whom the Prosecutor intends to request to transfer to national jurisdictions for trial.

31. The Completion Strategy of September 2003 indicated that twenty-six suspects were at large. As the Prosecutor's strategy is to prosecute, before the ICTR, those persons bearing the greatest responsibility for the crimes committed in Rwanda in 1994 (paras. 14-16), the number of suspects under investigation was reduced to sixteen in the Completion Strategy submission

of April 2004.⁸ Following the completion of investigations in respect of the genocide, the files involving eight of these persons were closed due to lack of evidence. Eight indictments against the remaining eight suspects were confirmed in 2005. Five of these persons remain at large and are included in the eighteen fugitives mentioned above. The Prosecutor has also taken account of the mandate of the ICTR, as emphasized by Resolution 1503, to investigate reports of violations by the Rwanda Patriotic Front (RPF).

32. All investigations in respect of the genocide were completed by 2004, as requested by Resolution 1503 (2003). Moreover, when the eight indictments were submitted for confirmation in 2005, the Prosecutor ensured that these cases were ready for trial, in the sense that all approved identified investigations are completed, a draft pre-trial brief is prepared, together with draft exhibits and witness lists, and that disclosure searches (as of that date) are completed. This will ensure that (i) there will be no delay in trial preparations when the accused is transferred to the Tribunal; (ii) the case can be more readily assigned to a new Prosecution team if necessary; or (iii) referred to a national jurisdiction pursuant to Rule 11 *bis* of the Rules.

33. Once an individual is indicted, substantial investigations must be continued in order to support the trial team. Additional investigations may be needed to replace the evidence of witnesses who may have died, to assist in the interviewing of witnesses prior to their travel to Arusha, to supplement and corroborate the evidence, and to address the Defence case and any possible rebuttal. The Office of the Prosecutor's investigations section continues to provide support in respect of ongoing trials and appeals. There will now be a shift in emphasis from classical investigations to trial and appeals support.

34. Some of the indictees at large are particularly high-level accused or alleged to have committed crimes that should be dealt with at the international level. One illustrating example, mentioned in Security Council resolution 1534 (2003), is Felicien Kabuga, who is hiding in East Africa. In spite of intensive efforts by the ICTR as well as international pressure, he remains at large. It would affect the legacy of the ICTR and create an impression of impunity if such persons were not brought to trial in order to decide their guilt or innocence. Should they be arrested too late for their trials to be completed by 31 December 2008, or apprehended after that date, a solution should be found to ensure that they are tried.

VI. Transfer of Cases by the Prosecutor to National Jurisdictions

35. The Completion Strategy of September 2003 indicated that about forty cases were earmarked for transfer to national jurisdictions. According to the April 2004 Completion Strategy, the Prosecutor increased the number of these cases to forty-one. He is currently engaged in discussions with some States for this purpose. His intention is to transfer, in some cases, files in respect of which investigations have been completed and are trial ready and, in other cases, dossiers requiring further investigations by the receiving country. The decision to transfer cases to national jurisdictions is a judicial one in cases where indictments exist. In addition, the Prosecutor envisages the transfer of files involving thirty-two suspects to national

⁸ In the November 2004 version of the Completion Strategy the number was fifteen. The correct figure is sixteen.

jurisdictions for trial. This process is under way. Case files in respect of thirty individuals have already been transferred to Rwanda and in respect of one suspect to Belgium.

36. In preliminary discussions with national authorities, the Office of the Prosecutor has ascertained that the laws of the State in which some suspects are present may not confer jurisdiction over these suspects or the crimes they allegedly committed. Others have investigated the cases and not pursued them, and may be reluctant to re-open these cases. Many of the suspects are in less-developed countries where judicial systems are under strain arising from the prosecution of their own accused. The Prosecutor believes that it is important to explore the possibility of transferring cases to African countries where certain suspects are now living, despite the above constraints.

37. To date, one transfer has taken place pursuant to Rule 11 *bis*. The Prosecution request to transfer the case against Michael Bagaragaza to Norway was rejected by the Trial Chamber on 19 May 2006. This decision was upheld by the Appeals Chamber on 30 August 2006. Following the identification of another State willing to receive this case, a fresh request for transfer of this case for trial in a national jurisdiction was lodged in December 2006. On 13 April 2007, the Chamber approved the referral of the Bagaragaza case for trial in The Netherlands.

38. Transfer of cases to Rwanda raises several issues. One involves the death penalty, which is applicable in genocide cases, though only rarely implemented. A welcome development since the previous Completion Strategy report is that Rwanda has promulgated a law which, among other things, excludes the application of the death penalty to cases referred from the ICTR or from States. The ICTR is presently considering the issue of the capacity of the Rwandan judicial system to handle such cases at a time when it faces difficulties in coping with thousands of local cases connected with the genocide. Since many of the cases earmarked for transfer are destined for Rwanda, the issue of resources may therefore affect the proposed transfer of cases to Rwanda. The Tribunal is conducting programmes to contribute to capacity building in Rwanda (Annex 5).

39. The Prosecutor will initiate discussions with States regarding transfer of cases and transmissions of files. He will insist on compliance with international standards of fair trial on the files transmitted. In the event that it is not possible to transfer or transmit these cases to national jurisdictions, he will make alternate proposals to the Security Council and highlight the related budgetary implications.

VII. Past and Present Strategies

40. **Pre-trial Stage:** At the commencement of the second mandate, in June 1999, there was a considerable number of pending pre-trial motions. The Prosecutor at that time requested the joining of a large number of accused in one case, at one point asking for the confirmation of a joint indictment for over twenty suspects. The Confirming Judge denied the request. The Prosecutor then asked for joinder of smaller numbers of accused, who allegedly participated in the same criminal transaction, such as the use of public media, the actions of military officials, government officials, or alleged crimes in certain geographical areas of Rwanda (Butare, Cyangugu). This led to a considerable number of motions from the Prosecution requesting

amendments of indictments and the joinder of accused. In addition, a large number of motions were filed by the Defence.

41. Consequently, the first priority for the Chambers in 1999 was to reduce the number of motions in order to move cases to the trial stage. To facilitate this, the judges amended the Rules in order to allow for motions to be considered solely on written pleadings and also by a single judge. These measures taken to reduce the workload of outstanding motions increased the efficiency of the Chambers and reduced costs in connection with oral hearings of motions. After having reduced the number of pending motions to a minimum, full translation and disclosure of documents was ordered before all three Trial Chambers could commence with trial.

42. Additionally, changes to the Rules were adopted by the judges in the Plenary to regulate the pre-trial process and to restrict the number of interlocutory appeals that were delaying the commencement of trials. Through pre-trial and pre-defence status conferences, a Trial Chamber has the authority to streamline trial proceedings. In particular, the parties may be ordered to file briefs addressing the factual and legal issues, identifying contested matters, and provide a list of witnesses intended to be called, along with a summary of the facts and the specific allegations in the indictment on which the witnesses will testify. Moreover, the parties must give an estimate of the time that will be taken by each witness to give their evidence, and the Trial Chamber may order a reduction in the number of witnesses and the time for witnesses to give evidence-in-chief. The Trial Chamber may also order information on the status of exhibits (Rules 73 *bis* and *ter*).

43. A useful step was the establishment of the Trial Committee in 2003, which is composed of representatives of Chambers, the Registry and the Prosecution. The Committee, which is in contact with the various Defence teams, has facilitated the trial-readiness of several new cases. A Translation Working Group has studied ways to speed up translation of documents and thus avoid delays in the judicial proceedings.

44. Guilty pleas reduce the length of trials. Experience shows that not more than a day is needed for a Chamber to satisfy itself that a guilty plea is informed, unequivocal, and made freely and voluntarily. The writing of the judgment requires limited time. Unlike the situation at the ICTY, few accused have pleaded guilty at the ICTR.⁹ It is difficult at this stage to estimate how many indictees may in future plead guilty. At the Plenary Session in May 2003, the Rules were amended, providing a legal basis for plea-agreements.

45. **The Trial Stage:** All Trial Chambers have been conducting trials on a twin-track basis (in some instances also on a "triple-track" basis). Twin-tracking of two big cases or more is cumbersome. Experience shows that the best model is to twin-track one big and one small case, unless the big case is particularly voluminous and complex. When required, the ICTR is using the so-called "shift system", which ensures that one court room is used for two cases

⁹ The following seven judgments were based on guilty pleas: *Prosecutor v. Jean Kambanda* (1998); *Prosecutor v. Omar Serushago* (1999); *Prosecutor v. Georges Ruggiu* (2000); *Prosecutor v. Vincent Rutaganira* (2005); *Prosecutor v. Paul Bisengimana* (2006); *Prosecutor v. Joseph Serugendo* (2006); *Prosecutor v. Joseph Nzabirinda* (2007).

heard in morning and afternoon sessions. The shift system operates in a morning shift from 8.45 to about 13.00 and an afternoon shift until about 18.30.

46. Following the ICTR's request of 9 July 2001, the Security Council adopted Resolution 1431 of 8 August 2002, created a pool of eighteen *ad litem* judges. The purpose of this reform, which followed a similar Security Council resolution for the ICTY in 2000, was to increase the judicial capacity of the ICTR. The election of the eighteen *ad litem* judges by the General Assembly took place on 25 June 2003. The first *ad litem* judge took office on 1 September 2003 and three other *ad litem* judges arrived in October 2003. Pursuant to two other requests on 8 September 2003 and 29 September 2003, respectively, the Security Council on 27 October 2003 adopted Resolution 1512, which increased, from four to nine, the number of *ad litem* judges who could take office at any one time. The Security Council also conferred on *ad litem* judges the competence to adjudicate over pre-trial matters. The fifth judge arrived in March 2004. The arrival of the five *ad litem* judges made it possible to start four new trials and to continue the Butare trial. After the arrival of the remaining four *ad litem* judges in September 2004, it was possible to commence another two trials.¹⁰

47. With nine *ad litem* judges, the Tribunal is able to set up six Trial Chamber Sections. However, it follows from the ICTR Statute that a Trial Chamber Section must be comprised of both permanent and *ad litem* judges. Hence, the full utilisation of *ad litem* judges depends on the availability of permanent judges. At present, several permanent judges are engaged in voluminous trials.¹¹ This makes it difficult to maintain six Trial Chamber Sections on a permanent basis. However, experience shows the usefulness of twin-tracking one joint trial with a single-accused trial, as well as the Trial Chamber Sections sitting in shifts. Therefore, the number of Trial Chamber Sections is about six, even if they are not all sitting on a permanent basis.¹²

48. It is important to find the right balance between the multi-accused and single-accused trials. Some Trial Chamber Sections sit in morning and afternoon shifts. These sessions are shorter than full trial days, by about two hours. In the November 2004 version of the Completion Strategy, it was mentioned that the construction of a fourth courtroom would allow for more full trial days, thus increasing the progress of the multi-accused trials, as well as courtroom capacity when appeals are heard. Following voluntary contributions by the Norwegian and United Kingdom Governments, a new courtroom was constructed in record time and inaugurated on 1 March 2005. It is in full use and represents a very important element of the Tribunal's Completion Strategy.

49. In spite of all measures taken to accelerate the proceedings, cases may still appear to be time-consuming. It should be remembered that conducting judicial proceedings at the

¹⁰ From September 2003 to the end of April 2004, *ad litem* judges participated in the following four new trials: Ndindabahizi, Government, Karemera *et al.* and Muhimana. After September 2004, *ad litem* judges also sat in these trials: Seromba, Military II, Rwamakuba, Muvunyi, Mpambara, Zigiranyirazo, Karera, Bikindi, Nchamihigo and Rukondo.

¹¹ Two permanent judges sit in the Butare trial and three in the Military I trial.

¹² As mentioned above (para. 3), a total of nine Trial Chamber Sections have been hearing evidence in the second half of 2006: Butare, Military I, Government, Military II, Karemera *et al.*, Zigiranyirazo, Bikindi, Nchamihigo and Rukondo. This is possible because some judges sit in two trials, either because of twin-tracking or the shift-system.

international level is a more complicated task than at the national level. The cases at the *ad hoc* Tribunals are legally and factually very complex. There is a considerable volume of documents normally disclosed during trials of alleged architects of the atrocities, including alleged high-ranking members of the government. These documents must be translated for legal teams and accused, who may require translations of all the documents into the other official language of the Tribunal before they respond to motions or undertake trial preparation. The number of witnesses is often considerable, and simultaneous interpretation of all testimony is required into three languages. Witnesses have often to be extracted from difficult environments, afforded considerable protection before and after testimony and sometimes re-located. The staff and counsel involved in cases come from different cultures and traditions, and effective communication requires new skills and extra effort. Prosecution and Defence counsel come from all over the world, and have different court-room styles. Defence counsel are away from their respective practices and are unable to attend to their other work for considerable periods of time when taking up assignments at the ICTR.

50. Factors which contributed to a reduction in the number of trial days included the difficulty to obtain the appearance of witnesses from Rwanda and illness on the part of judges and counsel. The ICTR has taken several steps to ensure that such factors are minimized in the future. In particular, the Rules have been amended to allow for a Trial Chamber to continue the trial in the eventuality of a judge being ill, absent or permanently unavailable (Rule 15 *bis*).¹³ The insistence by the Trial Chambers on having two Defence counsel and, in the event of illness or absence of one counsel, requiring the remaining counsel to continue, will reduce the occurrence of interruptions of trials. At present, witnesses from Rwanda are appearing before the ICTR. It is important that this situation continues.

51. Experience shows that it is difficult to ensure that witnesses are always available, even with the use of additional witnesses present in Arusha in case of unavailability. A frequent situation in practice is that Prosecution or Defence counsel requires additional time to prepare witnesses for examination-in-chief. The Chambers also have to allow Prosecution and Defence additional time for the preparation of cross-examination in situations where unexpected evidence emerges or evidence is tendered without proper notice. Sufficient time is needed for pre-trial hearings, deliberation on motions and judgment writing. These circumstances, combined with illness and other forms of unavailability of witnesses, not only reduce the number of trial days but also the number of sitting hours per trial day. Nevertheless, the Chambers will continue their efforts to increase the time spent in the court room.

52. Administrative Matters: In assessing its needs for human resources with a view to promoting the implementation of its Completion Strategy, the Prosecutor envisages a substantial increase in the number of trial attorneys and an expansion of its Appeals Section. Investigative and administrative support is also needed. This increase will be addressed by redeployment. The Prosecutor expects that at the anticipated conclusion of investigations, some posts presently held by investigators could be re-deployed to increase the number of trial attorneys, legal advisors and other staff required for trial. Improvements in the management of

¹³ In 2003, there was a disruption to trial proceedings because some of the judges were not re-elected.

information and evidence, as well as the promotion of the best prosecutorial practices, are important initiatives towards achieving the Completion Strategy ([Annex 6](#)).

53. With the shift in emphasis of the ICTR from one centred on investigation and arrests to one centred on trials, the Registry will focus its attention on the end-date for the Tribunal in all aspects of its work. Numerous measures have been adopted to provide greater support in the management of trials. Finally, contracts entered into, item of equipment purchased and personnel recruited will all bear a close relationship to the Completion Strategy.

54. **Sufficient Resources:** In order to respect the time-frames laid down by Security Council resolutions 1503 and 1534, the ICTR must continue to receive the necessary resources. In 2004, the United Nations administration imposed a freeze on the recruitment of new staff at the Tribunal, due to delays in the payment of contributions to the *ad hoc* Tribunals by Member States. This threatened to have significant effect on the Completion Strategy. The lifting of the freeze at the beginning of 2005 improved the situation.

IX. Conclusions

55. As mentioned above (para. 3), there are currently twenty-two accused involved in nine trials (Butare, the Government case, Military II, Karemera *et al.*, Zigiranyirazo, Bikindi, Nhamihigo, Rukundo and Renzaho), four of which are lengthy because they are joint trials. These trials are at different stages.

56. In the Completion Strategy of April 2004, it was projected that in 2004, three trials (Gacumbitsi, Ndindabahizi and Muhimana) would be completed. This target was accomplished. It was also stated that three trials involving six accused (Simba, Seromba and Military II) would commence between May to September 2004. This projection was also accomplished.

57. The Completion Strategy of May 2005 indicated that, besides the judgments in the Rutaganira and Muhimana cases which were delivered in March and April 2005, respectively, judgments in the Simba and Seromba cases would be delivered later that year. Judgment in the Simba case was delivered on 13 December 2005. Difficulties arising from the withdrawal of the Lead Counsel in the Seromba case delayed the completion of trial, but judgment will be rendered on 13 December 2006. In the course of 2006, judgment was also delivered in five other cases (Bisengimana, Serugendo, Mpambara, Muvunyi and Rwamakuba).

58. The projection to start two new trials in the second half of 2005 was also accomplished. Trials in the Mpambara and Zigiranyirazo cases commenced in September 2005 and October 2005, respectively, with judgment being rendered in the former on 12 September 2006.

59. Judgement in the Military I case will be rendered in 2007 or early 2008. The presentation of the evidence is expected to be completed in the Butare case in 2007, the Government case in late 2007, the Military II trial in 2008 and Karemera *et al.* trial in late 2008 or early 2009. As the current multi-accused cases conclude, an increasing number of new single-accused cases will be able to commence, subject to courtroom capacity. The Nsengimana trial will commence in June 2007, and there is information to suggest that the listing of a further case may be

possible in the near future. The remaining projected new single-accused cases are likely to be conducted in the course of 2008.

60. The above projections suggest that, by the end of 2008, the ICTR could complete trials and judgments in the range of sixty-five to seventy persons, depending on the progress of present and future trials. This is an estimate, and it also depends on sufficient resources being made available. The Tribunal is committed to bringing to justice those persons who were most responsible for genocide and violations of international humanitarian law that were committed in Rwanda in 1994. In this process, the ICTR will establish the guilt or innocence of the accused, bring justice to victims of the massive crimes that were committed and establish a record of facts that can aid reconciliation in Rwanda. The Tribunal will also leave a legacy of international jurisprudence that can guide future courts and deter the future commission of these grave crimes.

61. As mentioned above (para. 1), the present document is part of the ICTR's continuing process of refining its Completion Strategy. The Tribunal welcomes contributions to this process.

ANNEX 1

PERSONS CONVICTED OR ACQUITTED: 33 ACCUSED IN 27 JUDGMENTS

First Mandate (May 1995-May 1999)

Name	Former Title	Initial appearance	TC	Judgment
J. P. Akayesu	Bourgmestre of Taba	30 May 1996	TC1	2 September 1998
J. Kambanda	Prime Minister	1 May 1998	TC1	4 September 1998 (guilty plea)
O. Serushago	Businessman, Interahamwe leader	14 December 1998	TC1	5 February 1999 (guilty plea)
C. Kayishema	Prefect of Kibuye	31 May 1996	TC2	21 May 1999 (joinder)
O. Ruzindana	Businessman	29 October 1996		
G. Rutaganda	Businessman, 2nd Vice-president of Interahamwe	30 May 1996	TC1	6 December 1999
A. Musema	Businessman	18 November 1997	TC1	27 January 2000
Sum first mandate			Six judgments (7 accused)	

Second Mandate (May 1999-May 2003)

G. Ruggiu	RTLM Journalist	24 October 1997	TC1	1 June 2000 (guilty plea)
I. Bagilishema	Bourgmestre of Mabanza	1 April 1999	TC1	7 June 2001
G. Ntakirutimana	Doctor	2 December 1996	TC1	21 February 2003 (joinder)
E. Ntakirutimana	Pastor	31 March 2000		
L. Semanza	Bourgmestre of Bicumbi	16 February 1998	TC3	15 May 2003
E. Niyitegeka	Minister of Information	15 April 1999	TC1	15 May 2003
J. Kajelijeli	Bourgmestre of Rukingo	19 April 1999	TC2	1 December 2003

F. Nahimana	RTLM Director	19 February 1997	TC1	“Media Case” (joinder) 3 December 2003
H. Ngeze	Kangura Editor	19 November 1997		
J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
J. Kamuhanda	Minister of Culture and Education	24 March 2000	TC2	22 January 2004
A. Ntagerura	Minister of Transport	20 February 1997	TC3	“Cyangugu Case” (joinder) 25 February 2004
E. Bagambiki	Prefect of Cyangugu	19 April 1999		
S. Imanishimwe	Lieutenant in FAR	27 November 1997		
Sum 2nd mandate			Nine judgments (14 accused)	

Result of first 2 mandates by February 2004			Fifteen judgments (21 accused)
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Positions: The 21 accused held the following positions in 1994: 1 Prime Minister, 3 Ministers, 2 Prefects, 4 Bourgmestres, 1 Senior Admin., 3 Media, 1 Military, 1 Clergy, 5 Others.

Third Mandate (May 2003-May 2007)

COMPLETED CASES: SEVENTEEN ACCUSED IN FOURTEEN CASES

Name	Former Title	Initial Appearance	TC	Judgment
S. Gacumbitsi	Bourgmestre of Rusumo	20 June 2001	TC3	17 June 2004. Started on 28 July 2003.
E. Ndindabahizi	Minister of Finance	19 October 2001	TC1	15 July 2004. Started on 1 September 2003.
V. Rutaganira	Councillor of Mubuga	26 March 2002	TC3	14 March 2005 (guilty plea).
M. Muhimana	Councillor of Gishyita	24 November 1999	TC3	28 April 2005. Started on 29 March 2004.

A. Simba	Lieutenant-Colonel in FAR	18 March 2002	TC1	13 December 2005. Started on 30 August 2004.
P. Bisengimana	Bourgmestre of Gikoro	18 March 2002	TC2	13 April 2006 (guilty plea).
J. Serugendo	Technical Director, RTLM	30 September 2005	TC1	12 June 2006 (guilty plea).
J. Mpambara	Bourgmestre of Rukara	8 August 2001	TC1	12 September 2006. Started on 19 September 2005.
T. Muvunyi	Commander, Ecole Sous-officiers	8 November 2000	TC2	12 September 2006. Started on 28 February 2004.
A. Rwamakuba	Minister of Education	7 April 1999	TC3	20 September 2006. Started <i>de novo</i> on 9 June 2005.
A. Seromba	Priest, Kivumu Commune	8 February 2002	TC3	13 December 2006. Started on 20 September 2004.
J. Nzabirinda	Youth organizer	27 March 2002	TC2	23 February 2007 (guilty plea)
F. Karera	Prefect of Kigali	26 October 2001	TC 1	Started on 9 January 2006. Judgment soon.
T. Bagosora	Dir. of Cabinet, Ministry of Defence	20 February 1997	TC1	"Military I Case" (joinder). Started in second mandate. Closing briefs submitted.
G. Kabiligi	Brigadier-General in FAR	17 February 1998		
A. Ntabakuze	FAR Battalion Commander	24 October 1997		
A. Nsengiyumva	Lieutenant-Colonel in FAR	19 February 1997		

Positions: 2 Ministers, 1 Prefect, 3 Bourgmestres, 2 Councillors, 6 Military, 1 Media, 1 Clergy, 1 Other.

ANNEX 2

ON-GOING TRIALS: TWENTY-TWO DETAINEES IN NINE CASES

Name	Former Title	Initial Appearance	TC	Comments
P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	TC2	"Butare Case" (joinder). Started in second mandate. Completion 2007.
A. S. Ntahobali	Interahamwe leader	17 October 1997		
S. Nsabimana	Prefect of Butare	24 October 1997		
A. Nteziryayo	Prefect of Butare	17 August 1998		
J. Kanyabashi	Bourgmestre of Ngoma	29 November 1996		
E. Ndayambaje	Bourgmestre of Muganza	29 November 1996		
C. Bizimungu	Minister of Health	3 September 1999	TC2	"Government Case" (joinder). Started on 5 November 2003. Completion late 2007.
J. Mugenzi	Minister of Commerce	17 August 1999		
J. Bicomumpaka	Minister of Foreign Affairs	17 August 1999		
P. Mugiraneza	Minister of Civil Service	17 August 1999		
E. Karemera	Minister of Interior, V-P of MRND	7 April 1999	TC3	"Karemera et al." (joinder) Started on 27 November 2003. Started <i>de novo</i> on 19 September 2005. Completion 2008, judgment 2009.
M. Ndirumapfse	D-G of Ministry of Foreign Affairs, President of MRND	7 April 1999		
J. Nzirorera	President of National Assembly, S-G of MRND	7 April 1999		
A. Ndindilyimana	Chief of Staff of Gendarmerie	27 April 2000	TC2	"Military II Case" (joinder) Started on 20 September 2004. Completion in 2008.
F-X Nzuwonemeye	FAR Battalion Commander	25 May 2000		
I. Sagahutu	2IC of Recon. Battalion	28 November 2000		
A. Bizimungu	Chief of Staff of FAR	21 August 2002		
P. Zigiranyirazo	Businessman	10 October 2001	TC3	Started on 3 October 2005. Completion 2007.

S. Bikindi	Musician	4 April 2002	TC3	Started on 18 September 2006. Completion 2007.
S. Nchamihigo	Deputy Prosecutor	29 June 2001	TC3	Started on 25 September 2006. Completion 2007.
E. Rukundo	Chaplain	26 September 2001	TC2	Started on 15 November 2006. Completion 2007.
T. Renzaho	Prefect of Kigali	21 November 2002	TC1	Started on 8 January 2007. Completion 2007.

Positions: 6 Ministers, 1 Parliamentarian, 3 Prefects, 1 Senior Admin, 1 Lesser Administrative Official, 2 Bourgmestres, 4 Military, 1 Clergy, 3 Others.

ANNEX 3

AWAITING TRIAL: EIGHT DETAINEES

Name	Former Title	Initial Appearance	TC	Number of OTP witnesses
H. Nsengimana	Rector, Christ-Roi College	16 April 2002	TC1	To commence as soon as trial capacity allows
J.-B. Gatete	Bourgmestre of Murambi	20 September 2002	TC1	
I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	TC3	
J. Rugambarara	Bourgmestre of Bicumbi	15 August 2003	TC2	
Y. Munyakazi	Interahamwe leader	12 May 2004	TC1	
G. Kanyarukiga	Businessman	22 July 2004	TC1	
E. Setako	Colonel	22 November 2004	TC1	
C. Kalimanzira	Acting Minister of Interior	14 November 2005	TC1	

Positions: 1 Acting Minister, 2 Bourgmestres, 2 Military, 1 Clergy, 2 Others.

TRANSFER TO NATIONAL JURISDICTION (RULE 11 *BIS*): ONE DETAINEE

M. Bagaragaza	Director, National Tea Industry	18 August 2005	TC3	The Netherlands. Decision of 13 April 2007.
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ANNEX 4

**ESTIMATES BASED ON THE PROSECUTOR'S (OTP) FIGURES FOR PRESENT DETAINEES
(PREVIOUS COMPLETION STRATEGY REPORT)**

Case	No. of Accused	No. of OTP witnesses	No. of hours for OTP case- in-chief	No. of hours for Defence cross- examination	No. of hours for Defence case-in- chief	No. of hours for OTP cross- examination	Total hours
1 Butare	6	68	330	330	330	330	1320
2 Military I	4	100	500	500	500	500	2000
3 Muvunyi and Hategikimana	2	43	180	180	180	180	720
4 Seromba	1	20	100	100	100	100	400
5 Ndindabhazi	1	15	50	50	50	50	200
6 Military II	4	90	500	500	500	500	2000
7 Government I	4	50	300	300	300	300	1200
8 Karemera <i>et al.</i>	4	45	300	300	300	300	1200
9 Zigiranyirazo	1	30	100	100	100	100	400
10 Bikindi	1	30	100	100	100	100	400
11 Renzaho	1	30	100	100	100	100	400
12 Gikongoro	1	41	170	170	170	170	680
13 Bisengimana	1	15	50	50	50	50	200
14 Karera	1	15	50	50	50	50	200
15 Mpambara	1	30	150	150	150	150	600
16 Gacumbitsi	1	30	120	120	120	120	480
17 Rukundo	1	20	80	80	80	80	320
18 Nzabirinda	1	15	60	60	60	60	240
19 Nsengimana	1	15	60	60	60	60	240
20 Muhimana	1	15	60	60	60	60	240

21	Rutaganira	1	15	60	60	60	60	240
22	Gatete	1	30	120	120	120	120	480
23	Nchamihigo	1	15	60	60	60	60	240
24	Rugambarara	1	20	80	80	80	800	340
		42	794	3680	3680	3680	3680	14740

ANNEX 5

ICTR OUTREACH PROGRAMME

I. Introduction

In order for the prosecution of the persons responsible for the 1994 genocide to contribute to national reconciliation in Rwanda it is essential that the Rwandan people have an understanding of and confidence in the work of the Tribunal. To achieve this, the International Criminal Tribunal for Rwanda (ICTR) has established an outreach programme designed to reach, first and foremost, all sectors of Rwanda society and, second the rest of the world.

The outreach programme has been conceived as a series of projects, complementary to the public information activities of the ICTR and cuts across all the ICTR's departments. By virtue of the Tribunal's mandate the Rwandan population, including both those within Rwanda and the Diaspora, is the most important target audience for information about the Tribunal and its work. The Statute of the Tribunal also stipulates that the prosecutions will "contribute to the process of national reconciliation" and that there is a "need for international cooperation to strengthen the courts and judicial system of Rwanda". Member States are invited to provide sufficient resources to the sustainable implementation of the ICTR Outreach Programme in Rwanda.

It is important to recognize that such an ambitious programme is by necessity multi-faceted since the targeted audiences range from uneducated persons with little or no access to modern forms of media to academics and legal practitioners throughout Rwanda. It is equally important to recognize that the ICTR outreach programme strives to provide much more than simply an awareness of the work of the Tribunal. Specifically, the outreach programme includes in-depth specialized training of Rwandan legal practitioners in the international justice process. It also supports many young professionals from Africa and other Third World countries who are interested in human rights and eager to acquire first hand experience at the ICTR.

This report summarizes the outreach activities that the Tribunal implemented until May 2006. The overarching goals of raising awareness and capacity building are interwoven throughout the following components of the outreach project.

II. Awareness-raising Programs within Rwanda

In 2000, the ICTR inaugurated an information centre in Kigali. The centre remains the flagship for all outreach activities in Rwanda. Press conferences, briefings and films on the Tribunal are frequently held at the Centre. On average, 80 persons a day have visited the Centre in order to use its legal library, internet facilities and the database of printed and audio-visual Tribunal material. Screenings of audio-visual documentaries on the Tribunal are held in various communes in Rwanda and in schools and prisons five days a month.

In order to get the Tribunal's message across Rwanda, the External Relations and Strategic Planning Section of the Tribunal conducts regular awareness-raising workshops in all Rwandan provinces. The purpose of the workshops is to explain the Tribunal's work and its relevance to Rwandans. During the workshops, ICTR staff members provide local population with first

hand information about the work of the Tribunal, how trials are conducted, why trials are time-consuming, what is done to speed up the trials and why the deadlines of 2008 and 2010 were set out. During the workshops particular attention is given to the audiences' feedback. In this regard, the ICTR and the Centre for Conflict Management of the University of Rwanda are currently conducting a survey to gauge the perception of the Tribunal's work among the Rwandan population. The survey will also serve as a baseline to assess the impact of the outreach programme.

The Tribunal received funds from the European Commission. It expects that the funds will help to set up new information centres at provincial level once negotiations between the Government of Rwanda and the Tribunal are concluded. These centres will complement information activities carried out by the ICTR information centre based in Kigali, which can only receive people who are in, or able to travel to, Kigali. The purpose of these provincial information centres is to provide local populations with accurate information about the trial proceedings. They will also show documentaries about the trials in order to show ordinary Rwandans that the planners of the genocide are being tried, sentenced and punished by the Tribunal. It is expected that this information will help break the "myth of authority" among the Rwandan people and consequently, they will no longer follow orders blindly if they are able to see the genocide leaders being convicted and their ideology refuted by the international legal community.

The Tribunal is exploring technicalities of extending the video signals from the courtrooms during live broadcasts -as in the case of judgments- so that Rwandans could watch live the proceedings from the Information Centre. This will be via a radio link to be installed between the ICTR office in Kigali and the Centre. Currently such programmes are recorded by ICTR office in Kigali and broadcast by the Rwandan public media at their convenient time.

III. Training of Jurists, Advocates and Human Rights Practitioners

This activity is one of the cornerstones of the ICTR's outreach programme. Capacity building of the Rwandan legal practitioners included seminars aimed at strengthening the knowledge of judges, registrars, university professors and law students in areas such as online legal research and utilization of information management software. These seminars were aimed at increasing their knowledge in accessing electronic resources (online legal databases, free journals, Internet tools such as search engines) on various subjects such as ICTR jurisprudence, peace, reconciliation, prevention of genocide, democracy and development available from the ICTR website and from other institutions around the world. Another advanced training in legal records management for court registrars was postponed to 2006 due to unavailability of trainees. This year, such trainings will be also extended to the Rwandan Bar Association.

Rwandan judges, prosecutors, registrars and members of the Rwandan Bar Association have visited the Tribunal as part of continued efforts to strengthen the cooperation between the Rwandan judicial system and the Tribunal. During their visit, the Rwandan officials briefed ICTR officials on the restructuring within the Rwanda Judiciary and on other ongoing legal reforms. They also discussed issues pertaining to the ICTR's completion strategy with the President, the Prosecutor and the Registrar of the Tribunal.

In November 2005, a high level workshop involving representatives of the government of Rwanda and the Tribunal took place in Kigali. Workshop participants discussed how to develop an adequate process for transferring ICTR cases to Rwanda as an integral part of the Tribunal's Completion Strategy. They also reviewed strategies for soliciting funds for capacity building of the Rwandan justice sector.

In 2006, the ICTR planned an attachment programme of Rwandan judicial officials to the Office of the Prosecutor and the Registry in order for them to get first hand experience in international humanitarian law. Additionally, this attachment programme will help Rwandan legal practitioners to get experience necessary for handling cases that may be transferred to Rwanda as part of the Completion Strategy of the Tribunal. The success of the transfer of cases will be subject to the Rwandan judiciary's ability to uphold international justice standards. Recently, the outreach programme officer met with the training officers of the Rwandan Supreme Court and Office of the Prosecutor General to discuss how best to implement the capacity building programme. Further meetings between Rwanda and the Tribunal are planned to discuss the issue of capacity building.

IV. Relationship with Academic Institutions

ICTR has good cooperation with various Universities in Africa and elsewhere. A special programme has been set up to strengthen the capacity of Rwandan institutions of higher education.

IV.1 Special Fellowship Programme for Rwandan Law Students

The Tribunal has a particular cooperation with the National University of Rwanda. An annual programme of research awards for students has been instituted and is now in its sixth year. Each year, up to six law students from the National University of Rwanda spend eight weeks carrying out thesis research in the ICTR library and archives, attending trial proceedings and receiving briefings on various aspects of the Tribunal's work. Each student is assigned a mentor from among the Tribunal's legal staff who supervises and guides the research. This new model has engaged many law students to the extent that the number of research projects about international justice has increased. During the period under review, ICTR legal professionals lectured at the national university and this programme will be extended to other Rwandan universities. The Tribunal sponsors regular study tours of the ICTR by law professors and students from Rwandan private universities in order to provide them with information about international humanitarian law and ICTR jurisprudence. Subject to more financial support, it is expected that this programme will be extended to other Rwandan universities.

IV.2 Internship and Legal Researchers' Programmes

ICTR's Internship Programme is unlike any in the United Nations system, because its work assignments are of a specialized legal nature and interns assist in many of the core legal functions of the Tribunal, such as conducting research on intricate legal issues, summarizing witness testimonies, analyzing party submissions, drafting judgments and interlocutory motions, assisting in evidence collection and management, which in some cases involves travel to Rwanda and visits to genocide massacre sites.

Another Programme, the ICTR Legal Researchers' Programme is run side by side with the Internship Programme. The Legal Researchers Programme was conceived to redress the imbalance in that the numbers of interns from Africa were almost non-existent because of financial constraints. The Legal Researchers Programme is funded from the UN-ICTR Trust Fund and the beneficiaries are lawyers from Africa and other Third World countries. They perform the same functions as legal interns.

Since the Tribunal started its work in 1995, the UN-ICTR Internship Programme has grown from strength to strength. The main beneficiaries from these Programmes are OTP and Chambers. Since its inception, the programme has recorded a total of 636 interns and 84 Legal Researchers have so far completed their attachments at ICTR.

V. Media Programs

Media relations are a priority for the ICTR's outreach programme. Communicating its work to people outside the Tribunal and legal community is essential. During the period under review, the ICTR has developed a partnership with Radio Rwanda. Under this partnership, the Tribunal tried to fill the information gap regarding its work by facilitating Rwandan journalists from the *Office Rwandais de l'Information* to broadcast on a daily basis from Arusha. The Tribunal also conducted various seminars to inform Rwandan journalists about the content of the "media case" judgment and its implications for freedom of expression. It is also worthwhile mentioning that groups of up to six Rwandan journalists from broadcast and print media are regularly brought to the ICTR by UN flight from Kigali in order to report directly on important events such as the delivery of judgments.

The ICTR partnered with the Hirondelle Press Agency and Internews Press Agency in its effort to get Rwandan population informed about the Tribunal's work. Hirondelle Press Agency provides various audiences including Rwandans with news about daily ICTR's proceedings, while Internews Press Agency has been showing documentaries about the work of the Tribunal in many locations in Rwanda as part of a programme of information for Rwandan people. However, Internews discontinued the project in 2005. The Tribunal supports the efforts of Hirondelle, the only international press agency still operational at the ICTR, in securing resources to continue with its activities.

VI. Cooperation with Rwandan Civil Society Organizations.

The ICTR continues to actively cooperate and assist human rights bodies, sharing with them information and expertise related to international criminal law. Every year, at least six representatives from Rwandan civil society organizations visit the Tribunal. The aim of their visit is to get first hand information about the work of the Tribunal and to strengthen Rwandan civil society organizations' capacity in international humanitarian law and criminal jurisprudence.

ANNEX 6

PROSECUTION (OTP) INITIATIVES IN SUPPORT OF FACILITATING THE ACHIEVEMENT OF THE COMPLETION STRATEGY

I. Continuous Improvement of the Information and Evidence Management Capacity

Effective management of information is very important for the success of the Completion Strategy.

The OTP has a collection of over half a million pages of documents, thousands of hours of audio and video tapes and tens of thousands of transcripts of proceedings. These numbers continue to grow daily as trials progress. The task of discharging OTP evidentiary obligations and the imperative of sharing information in order to manage the cases well has become onerous and costly.

It is therefore a deliberate strategy within the OTP to continually improve information management practices and maximize the use of appropriate technology tools to help us expedite trials while still following fair and due process. Some recent innovations are:

Electronic Disclosure System

The Electronic Disclosure System (EDS) is a computer-based information management system containing all the non-confidential evidence and other information held by the OTP. This store of information is made available to the Defence on application. The system is available via the internet, thereby enabling Defence Counsel to access information from anywhere in the world 24 hours a day, seven days a week.

The most important benefit of this system is that it facilitates the compliance of the OTP with Rule 68, particularly paragraph (B) which states that “where possible, and with the agreement of the Defence, and without prejudice to paragraph (A), the Prosecutor shall make available to the Defence, in electronic form, collections of relevant material held by the Prosecutor, together with appropriate computer software with which the Defence can search such collections electronically”. Rule 68 is often cited as grounds for appeal and improving the OTP’s fulfillment of its disclosure obligations will expedite the completion of cases.

The OTP Intranet

It is imperative for the success of the OTP prosecutorial strategy that all trial teams share information with one another. With assistance from the European Commission for extrabudgetary funding, the OTP has been able to initiate the development of its intranet. The intranet enables the dissemination and sharing of key information among all OTP staff members (subject to security levels).

The key benefit of the intranet is that, through information sharing, all OTP staff members will be aware of developments in all OTP cases allowing the OTP to have a more consistent strategy. The Intranet will also give access to information sources which are centrally managed

improving the quality and reliability of information. In so doing the work of the OTP can be carried out more effectively.

CaseMap

CaseMap is a litigation support software that allows a trial team to collect all information relevant to a case in one place for easier analysis and sharing with all members of the team and the OTP as a whole. Information can be structured in such a way that it clearly shows how well the case is progressing and where any weaknesses may be. This in turn allows trial teams to adjust their witness lists and presentation of evidence accordingly and produce their closing briefs more quickly and in so doing the Prosecution can present its case in a more efficient manner.

LiveNote

LiveNote is a transcript management software that greatly enhances access to the information in transcripts as well as allowing trial teams to annotate transcripts on a real-time basis. LiveNote gives trial teams the ability to search all the transcripts of an entire case at once thus reducing a task that previously could take several days to one that can be done in a matter of hours. LiveNote also allows trial teams to annotate sections of the transcript as it appears on their laptops real-time in court, which effectively means that analysis of transcripts can begin as soon as the evidence is given. Both functions greatly improve the speed at which information can be accessed which in turn leads to more efficient working practices by the trial teams.

II. Promoting Prosecutorial Best Practice: Imposing Quality Standards

A. Internal Best Practice

Another key strategy devised by the OTP to expedite trials is to implement quality standards across all key activities and set best practice (where there are none) or comply with best practice (where they exist).

OTP Best Practices are documented using ISO 9000 standards – an internationally acknowledged business process management standard.

The benefits of undertaking this standardization are:

Achieve consistency in process and outcome

The OTP operates in two major locations (Rwanda and Arusha, Tanzania) in four linked but culturally diverse sections/divisions. By imposing standards, greater consistency in the process and outcomes is achieved and in doing so reduce duplication of effort, errors and miscommunication.

Fix stress points in the processes

By reviewing the key process prior to documentation, stress points were identified and fixed which then lead to more effective streamlining and clearer harmonization of trial practices.

Consolidating and preserving institutional memory

There has and continues to be constant changes in OTP staff. Documentation of the key process will improve the organisation's institutional memory allowing it to continue to work at an optimal level despite staff changes.

Accountability: ICTR is accountable to the United Nations (and its members) for the work it has done on its behalf since 1994. The documentation of the OTP's work is a part of that accountability.

B. Sharing Best Practice with other institutions

While the ICTR is an unusual and unique organization with a very specific mandate, there are models of practice and procedure that will be relevant to other institutions such as the International Criminal Court, other current and future criminal tribunals and to the international community of prosecutors in general. The ICTR OTP has led the initiative in establishing International Prosecutors' Best Practice Programme which was unanimously adopted by other international prosecutors during the 1st International Prosecutors' Colloquium in Arusha in 2004 and continues to be developed to date.



Security Council

Distr.: General
31 May 2007

Original: English

Letter dated 30 May 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Further to my letter dated 17 May 2007 and its annex (S/2007/295), I have the honour to transmit to you the second progress report on the implementation of the Darfur Peace Agreement (see annex).

I should be grateful if the present letter and its annex would be circulated as a document of the Security Council.

(Signed) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative



Annex to the letter dated 30 May 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

[Original: Arabic]

In the name of God the merciful and compassionate

Office of the President of the Republic

Office of Dr. Magzoub Al-Khalifa Ahmed, Adviser to the President of the Republic

Status of Implementation of the Darfur Peace Agreement

Date: 16 May 2007

In the name of God the merciful and compassionate

Status of Implementation of the Darfur Peace Agreement

During April, the Government took additional serious practical steps to implement the Darfur Peace Agreement (DPA) signed in Abuja on 5 May 2006. The most notable achievement in this regard during April was the effective assumption by the Transitional Darfur Regional Authority (TDRA) of its duties. This began with the official opening of the Authority's headquarters in Khartoum and Darfur, followed by a series of meetings of the Authority's institutions. In addition, visits were made by the Assistant to the President of the Republic and Chairperson of the TDRA to various parts of Darfur to inform people of the establishment of the Authority and its functions and to meet with various official and civilian leaderships in Darfur.

The TDRA had previously held a joint workshop that included the Government of National Unity (GNU) and the Sudan Liberation Movement/Army (SLM/A), which is a signatory to the Abuja Agreement. Extensive discussions reviewing in detail the progress of implementation of the Agreement led to agreement on a definitive timetable for implementation of all components of the Agreement. Subsequently, the other movements that signed the Agreement were informed of the results of the workshop and the Government's full commitment to the approved implementation timetable, and those movements affirmed their agreement. The African Union (AU) also gave its full blessing to the workshop's outcome.

It also became clear from the workshop's discussions that implementation had made appreciable strides in the area of power-sharing. Preparations for security arrangements had also made steady progress and consultations to expedite implementation were ongoing daily.

Implementation of the power-sharing component

Federal level:

- | | |
|---|--|
| 1. Appointment of the Senior Assistant to the President of the Republic as Chairperson of the TDRA | Percentage implemented: 100% |
| 2. Establishment of the TDRA by presidential decree | Percentage implemented: 100% |
| 3. Effective start of performance by the TDRA of its tasks and responsibilities | Percentage implemented: 100% |
| 4. Appointment of an Adviser to the President of the Republic from among Darfurians | This is one of the appointments awaiting completion of consultations among the parties. |
| 5. Appointments to the Federal Council of Ministers

Two State Ministers have been appointed and a Federal Minister is expected to be appointed through consultations among the parties. | The Agreement provides for two state ministerial posts and one federal ministerial post in the Council of Ministers, in addition to the other ministerial posts occupied by Darfurians.

Percentage implemented: 66% |
| 6. Appointments to the National Assembly:

The Agreement allocates 12 seats in the National Assembly to the signatory movements.

12 members have been appointed.

One post of Committee Chairman in the National Assembly has been allocated to the signatory movements as provided in the Agreement. |

Percentage implemented: 100%
Percentage implemented: 100% |
| 7. Education:

A Presidential Decree has been issued exempting students of Darfurian origin from higher education fees for a period of five years.

A new system has been approved for accepting students of Darfurian origin at the national universities in Khartoum, and Darfurian students have already begun to benefit from it. |

Percentage implemented: 100%

Percentage implemented: 100% |
| 8. The national capital:

The Agreement provides for the allocation of a federal ministerial position in the Khartoum State Government to the movements. |

Percentage implemented: 100% |

A minister in Khartoum State has been appointed from the movements.

9. Borders:

The Agreement provides for the appointment of a Technical Border Committee to restore Darfur's northern border to its 1956 status.

The Technical Committee has finished drafting its technical report on the delimitation of Darfur's northern border. It remains to actually demarcate the border on the ground. The Technical Committee has departed for North Darfur and from there for the Northern State to begin performing its tasks in the field.

Percentage implemented: 50%

10. Pre-election power-sharing within Darfur:

The Agreement provides for the appointment of a Governor in Darfur from the movements, which has been done.

Percentage implemented: 100%

The Agreement provides for the appointment of two Deputy Governors in Darfur from the movements, which has been done.

Percentage implemented: 100%

The Agreement provides for the appointment of six ministers in the Darfur States from the movements. Five ministers have been appointed. One minister remains to be appointed in the State of West Darfur.

Percentage implemented: 83.3%

Appointment to high-level posts in the ministries of the Darfur States

Pending consultations among the parties

The Agreement provides for the appointment of Advisers in the Darfur States. Two have been appointed.

Percentage implemented: 66%

The Agreement provides for increasing the number of seats in the legislative assemblies of the Darfur States to 73. This has been done.

Percentage implemented: 100%

The Agreement provides for allocation of 21 seats in each of the Darfur State Legislative Assemblies to the movements.

16 movement members have been appointed in the North Darfur Legislative Assembly.

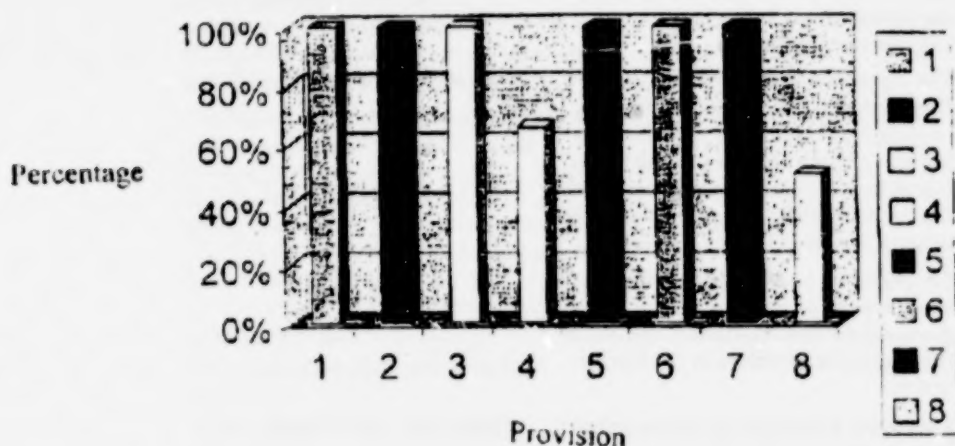
Percentage implemented: 76%

16 movement members have been appointed in the West Darfur Legislative Assembly.	Percentage implemented: 76%
20 movement members have been appointed in the South Darfur Legislative Assembly.	Percentage implemented: 95%
The Agreement provides that the Deputy Speakers of the Darfur State Legislative Assemblies shall be from the movements. This was done in the North Darfur Assembly and the South Darfur Assembly, but has not yet been done in the West Darfur Assembly.	Percentage implemented: 66%
The Agreement provides for the appointment of six of the local government commissioners and six of the executive directors in the Darfur States.	
Four local government commissioners have been appointed.	Percentage implemented: 66%
One executive director has been appointed.	Percentage implemented: 16%

For the following issues, implementation is contingent on completion of consultations with the movements and the inclusion of non-signatories in the peace process, in accordance with the conditions and requirements of the various posts:

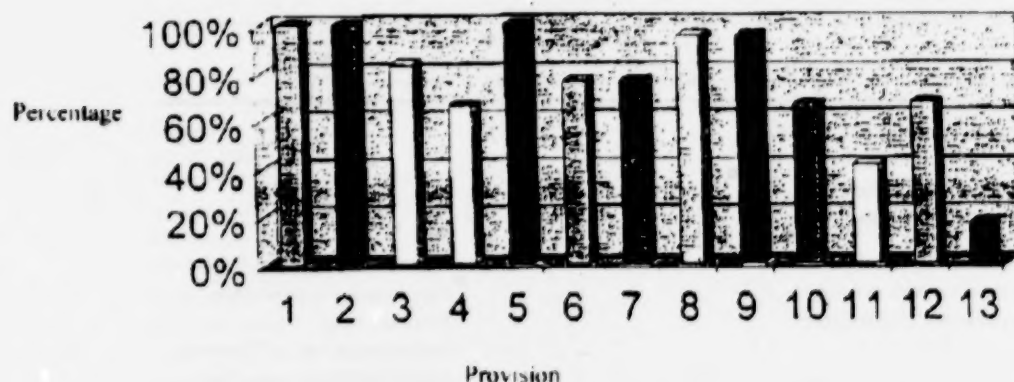
1. Appointment of an Adviser to the President from among Darfurians;
2. Appointment of a Federal Minister;
3. Representation and appointments in the judiciary;
4. Study of the position of Darfurians in the civil service;
5. Rectification of imbalances in the intake of Darfurians into the military academies;
6. Achievement of representation of Darfurians in other institutions and commissions.

Implementation in the area of power-sharing on the federal level



1. A Senior Assistant to the President has been appointed.
2. The TDRA has been established.
3. Effective start of activities of the TDRA: The Authority has effectively started its work.
4. Appointments in the Federal Council of Ministers: Two State Ministers have been appointed in the Council of Ministers.
5. Appointments in the National Assembly and allocation of the post of Assembly Committee Chairman: The Agreement provides for the appointment of 12 representatives from the movements to the National Assembly, which has been done. This is in addition to the appointment of an Assembly Committee Chairman.
6. Education: A Presidential Decree has been issued exempting students of Darfurian origin from higher education fees for a period of five years. A new system has also been approved for accepting students of Darfurian origin at national universities.
7. National capital: The Agreement provides for the allocation of a federal ministerial position in Khartoum State to the movements.
8. Borders: The Technical Committee has finished drafting its report. It remains to actually demarcate the border on the ground.

Implementation in the area of power-sharing at the level of the Darfur States



1. The Agreement provides for the appointment of a Governor in the Darfur States from the movements. Percentage completed: 100%.
2. The Agreement provides for the appointment of two Deputy Governors in Darfur from the movements. Percentage completed: 100%.
3. The Agreement provides for the appointment of six Ministers in the Darfur States. Five have been appointed and one remains to be appointed. Percentage implemented: 83.3%.
4. The Agreement provides for the appointment of Advisers in the Darfur States. Percentage completed: 66%.
5. The Agreement provides for an increase in the number of seats in the Legislative Assemblies in the Darfur States. Percentage completed: 100%.
6. The Agreement provides for the allocation of 21 seats in the Legislative Assemblies in the Darfur States to the movements. Percentage completed: 76%.
7. 16 movement members have been appointed in the North Darfur Legislative Assembly. Percentage implemented: 76%.
8. 16 movement members have been appointed in the West Darfur Legislative Assembly. Percentage implemented: 76%.
9. 20 movement members have been appointed in the South Darfur Legislative Assembly. Percentage implemented: 95%.
10. The Agreement provides that the Deputy speakers of the legislative assemblies in Darfur shall be from the movements. Percentage completed: 66%.
11. The Agreement provides for the appointment of six local government commissioners and six executive directors in the Darfur States. Percentage implemented: 41%.
12. Four local government commissioners have been appointed: Percentage implemented: 67%.
13. One executive director has been appointed. Percentage implemented: 17%.

Implementation status of the Darfur-Darfur dialogue

<i>Item</i>	<i>Overall weight (Percentage)</i>	<i>Implemented (Percentage)</i>	<i>Comments</i>
1. Determining the number of participants in the Darfur-Darfur Dialogue Preparatory Committee	5	5	
2. Selecting the representatives on the Preparatory Committee	5	3	Members of the Preparatory Committee from among representatives of the civil administration and civil society organizations remain to be selected.
3. Appointing the Preparatory Committee Chairperson	5	5	
4. Selecting the Conference Chairperson	5	—	Consultations are ongoing
5. Achieving reconciliations to create a suitable climate for the conference	15	5	A number of tribal reconciliations have been concluded in the South Darfur State.
6. Workshops	15	2	A number of workshops and brainstorming sessions have been held through the mediation of some parties.
7. Overall climate for the Darfur-Darfur Dialogue	20	—	
8. General Conference	25	—	
Total	100	20	

Implementation status of wealth-sharing component

Item	Percentage	Darfur Reconstruction Fund	Rehabilitation and Resettlement Commission	Darfur Land Commission	Compensation Fund	Darfur Dialogue
Decree establishing the institution	5	5	5	—	5	
Appointment of the head of the institution	10	10	10	—		
Authorization of institutional structure	10	10	10	—	—	
Appointment of labour force	10	6	5	—	—	
Funding	55	10	2	—	9	
Beginning of actual work	10	2	2	—	—	
Percentage implemented	100%	43%	34%	10%	14%	

Percentage of wealth-sharing implemented: 25.25%

Humanitarian situation in Darfur

You are well aware of the humanitarian work in Darfur. For an objective and comprehensive treatment of this issue, we provide you with basic information on this partnership based on observations by the Ministry of Humanitarian Affairs and its various agencies.

1. Darfur — Extent of the problem

- Number of inhabitants: 6,750,000.
- Number of persons affected or displaced: 2,100,000.
- Number of camps: 21.
- Number of communities affected in their regions: 38.
- Humanitarian aid coverage is close to 100 per cent in the camps and among affected persons in their villages outside the camps (there are no affected population segments whom aid has not reached).

2. Extent of the work of humanitarian aid partners

- The number of organizations operating in Darfur has increased from 23 in 2003 to 258 in 2007. The number of workers in Darfur is 15,500, of whom approximately 12,000 are foreigners from abroad. They have approximately 3,000 vehicles and other means of conveyance and more than 400 communications facilities.

3. *Humanitarian aid facilities*

1. The Darfur Plan of Action signed jointly by the Government and the United Nations (August 2004, renewed March 2007);
2. The establishment of a set of standardized procedures to implement the fast-track procedure;
3. A standardized procedural handbook.
4. The Joint Commission (Government, United Nations, foreign organizations, national organizations, and three observers from the donor States (the European Group, the Arab Group, and the African Group)) meets each month. The last meeting, held during the first week of May 2007, issued a joint communiqué that emphasized the stability and improvement of conditions in Darfur.
5. The joint working group (Government, United Nations, organizations) meets weekly and submits reports to the Joint Commission.
6. Technical committees for the coordination of humanitarian aid in the Darfur States have been formed that include the Government, the United Nations and the organizations and meet weekly in those States.
7. The following achievements during this period are noteworthy:
 - Joint mechanisms have been established at the federal, state and local levels between the Government, the United Nations and the organizations to monitor humanitarian work in Darfur.
 - A package of 29 presidential decisions to facilitate the flow of humanitarian aid has been issued. They focus on the areas of customs, health, permits, quality control and civil aviation, and have led to the suspension of the decisions that apply to the system in normal conditions. Fast-track measures as of April 2007 include:
 1. Total transportation measures: 6,808;
 2. Total aircraft flights: 2,528;
 3. Immigration measures: 3,260;
 4. Customs measures: 475 customs exemptions.

4. *Humanitarian indicators in Darfur*

As a result of this effort and the Government's cooperation and commitment, humanitarian indicators in Darfur have stabilized at good levels. In particular:

- Food indicators are excellent. Food is available to all citizens.
- Health indicators are stable. There are no epidemic diseases in Darfur.
- Overall malnutrition rates are normal, and have declined from 21.8 per cent in 2004 to 11.9 per cent in 2007, which is below the emergency threshold (curve 1).
- Acute malnutrition rates have declined from 3.9 per cent in 2004 to 1.4 per cent in 2007 (curve 2).

- These indicators are from reports of joint teams, the Government, the United Nations, the World Health Organization, the United Nations Children's Fund and the World Food Programme.
- Natural mortality rates are normal, at less than 0.8 per 10,000 per day, which is below the emergency threshold.
- Prices are reasonable and stable. The price of a sack of grain is 20,000 Sudanese pounds, which is less than average and less than prices in industrial areas. Negative consequences of aid from abroad have begun to appear, since it has led to a decline in prices and changes in consumption patterns.
- The percentage coverage by humanitarian aid to affected and displaced persons is 100 per cent.
- Displaced persons and refugees in the three Darfur States are returning spontaneously. The number of returnees during January-May 2007 was over 210,000.
- Social peace and social reconciliations have clearly contributed to stability and return of refugees.
- There are programmes for village reconstruction and provision of basic services in over 200 villages.

5. *Extent of humanitarian aid distribution and coverage*

1. World Food Programme (WFP)

Foodstuffs distributed by WFP (January-May 2007)

<i>Period</i>	<i>Number of beneficiaries</i>			<i>Quantity in metric tons</i>		
	<i>Planned</i>	<i>Implemented</i>	<i>Percentage</i>	<i>Planned</i>	<i>Implemented</i>	<i>Percentage</i>
January	2 188 022	2 153 439	98	33 933	30 769	91
February	2 211 353	2 185 830	94	27 761	27 256	98
March-April	2 082 781	2 028 350	97	30 649	34 032	111

2. International Committee of the Red Cross (ICRC)

Foodstuffs distributed through ICRC (February 2007)

<i>Period</i>	<i>Number of families</i>	<i>Number of individuals</i>	<i>Quantity in tons</i>
February	20 368	122 224	2 308.87
Total	20 368	122 224	2 308.87

3. Government

The Government distributed 250,000 sacks of grain from the strategic reserve in the three Darfur States to regions outside United Nations coverage during the period from January to April 2007, in particular in the areas of voluntary return.

Contribution by the Government of National Unity to humanitarian programmes in 2006 for displaced and affected persons in Darfur (\$)

Food	42 409 000
Water	23 115 000
Health	36 465 000
Shelter	9 000 000
Total	110 889 000

Funding of the Joint Plan for Darfur by sector

<i>Sector</i>	<i>Target (Dollars)</i>	<i>Implemented (Dollars)</i>	<i>Coverage (Percentage)</i>
Infrastructure	5 079 221	729 927	14.4
Returnees	12 459 000	2 425 000	19.5
Education	39 382 320	6 747 322	17.1
Food aid	489 851 809	479 720 088	97.9
Food security	23 422 221	8 757 212	37.4
Health	44 194 189	22 715 096	51.0
Mines	2 830 129	375 000	13.3
Basic services	61 593 427	31 609 476	51.3
Nutrition	18 075 943	8 088 712	44.7
Protection and human rights	25 288 396	10 111 231	40.0
Other		21 197 662	
Water and sanitation	67 681 779	23 584 634	30.8
Total humanitarian aid	798 858 434	615 863 360	77.1

6. *Violations by foreign organizations*

- Dissemination of false information and reports
- Non-compliance with regulations and laws
- Operating and travelling in areas for which they are not registered
- Improper use of materials imported to Darfur, and use of them in other areas
- Abuse of tax measures and exemptions outside Darfur
- Abuse of immigration procedures outside Darfur
- Attempts by WFP to add passengers to flight lists without notification of or permission from the authorities.

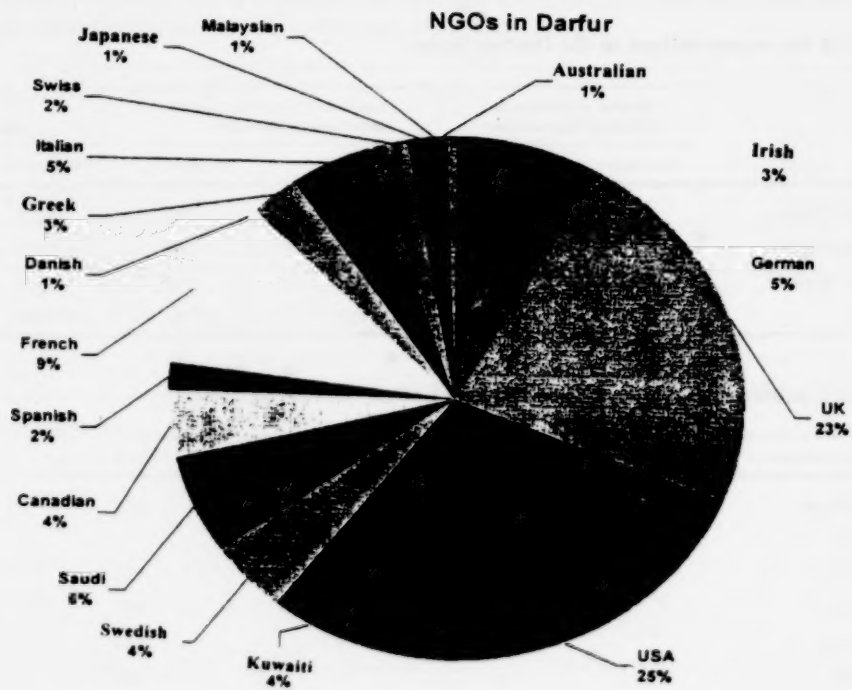
Annex I

Staff of the organizations in the Darfur States

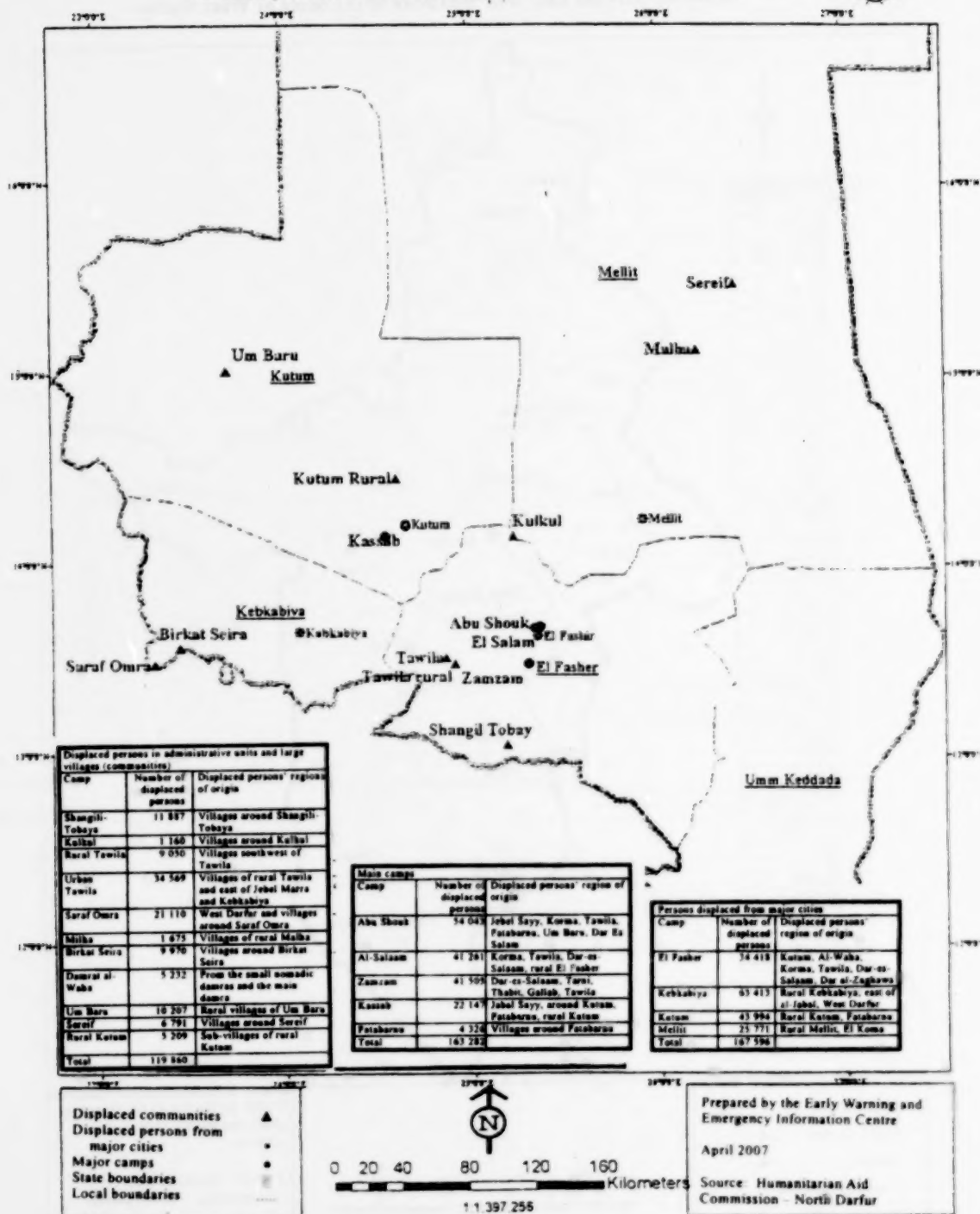
State	Number of workers in volunteer organizations		Number of workers in United Nations organizations		Total	
	Foreigners	Citizens	Foreigners	Citizens	Foreigners	Citizens
North Darfur	186	3 056	45	180	231	3 236
South Darfur	321	4 541	51	320	372	4 861
West Darfur	290	4 911	68	218	358	5 129
Total	797	12 508	164	718	961	13 226

Foreign presence in the organizations and United Nations agencies

Foreign presence	Organizations	%	United Nations	%
American	220	32.5	391	25.6
Swiss	202	29.6		
British	118	17.3	496	32.4
French	76	11.1	302	19.7
German	65	9.5	176	11.6
Dutch			165	10.7
Total	618		1 530	
Total		2 148		

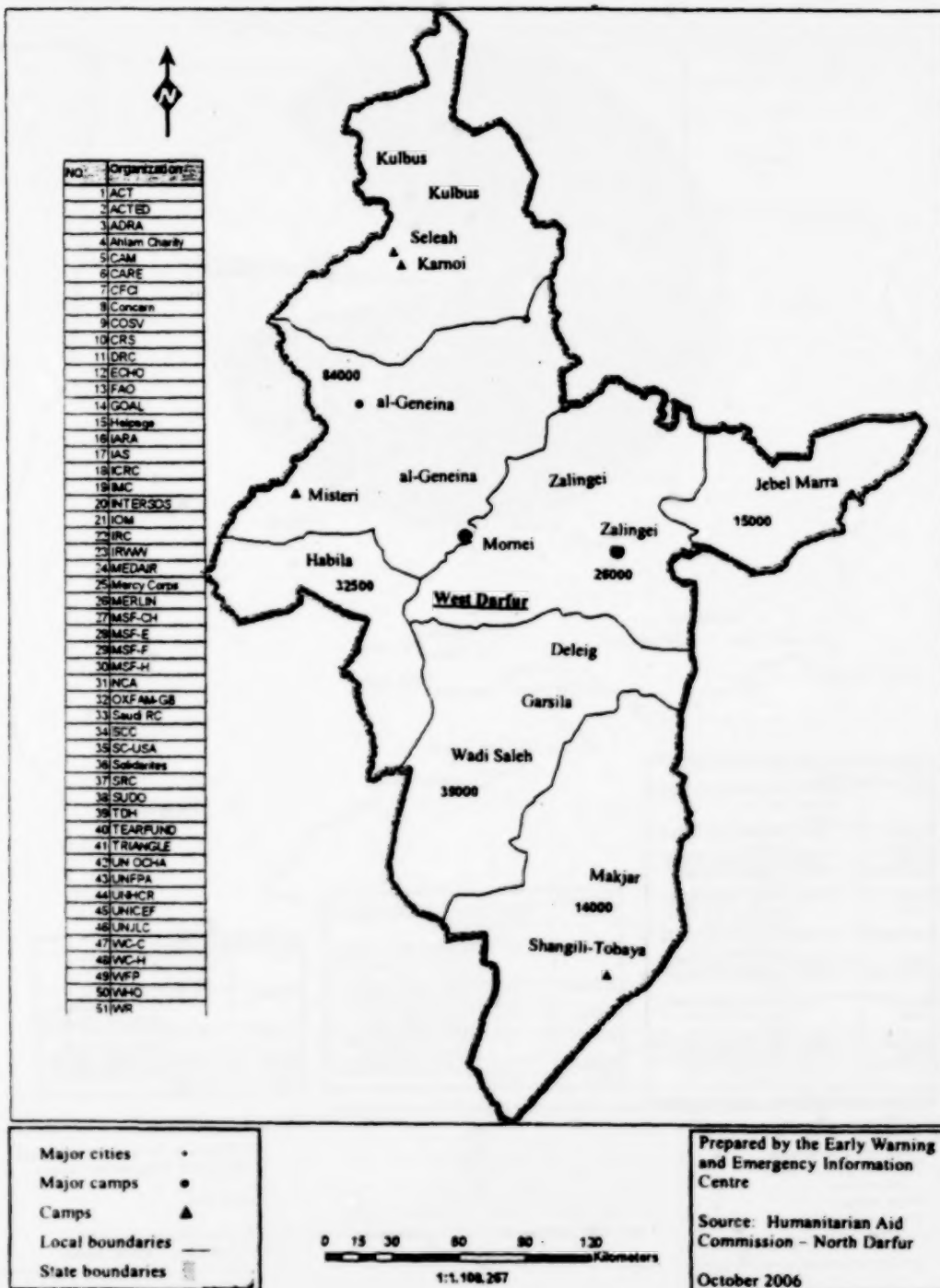


Ministry of Humanitarian Affairs
Humanitarian Aid Commission
Affected persons and their locations in the State of North Darfur

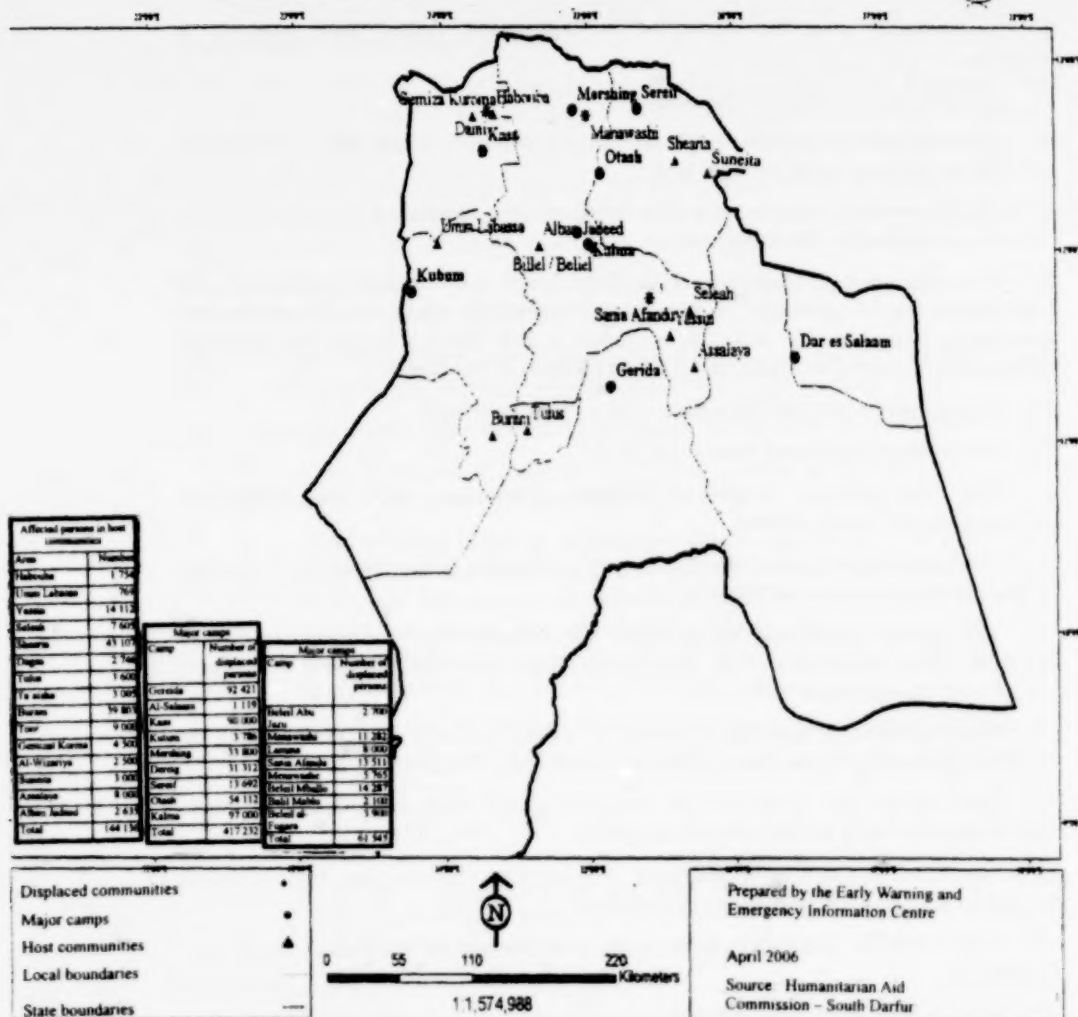




**Ministry of Humanitarian Affairs
Humanitarian Aid Commission**
Affected persons and their locations in the State of West Darfur



Ministry of Humanitarian Affairs
Humanitarian Aid Commission
Affected persons and their locations in the State of South Darfur



Implementation of the security arrangements component

1. Immediately after the signing of the Agreement, orders were given for a ceasefire.
2. All detainees have been released.
3. Many of the Government implementation commissions and joint commissions with the movements have been formed.
4. The Government presented a plan to disarm the Janjaweed armed militias on schedule according to the Agreement.
5. The Government has presented plans and information relating to the implementation of security arrangements, including plans to absorb former movement combatants, on which consultation is now ongoing among the signatory movements, the African Union and the Government of the Sudan.
6. A large number of militia members have been disarmed.
7. The commissions have been formed.
8. The Non-Military Logistical Support Committee and the Integration Commission have been formed.
9. The Integration Commission has begun work and is preparing integration plans in coordination with the movements.
10. The support committee has provided non-military logistical support on three occasions since November 2006. Preparations have been made to provide support for a fourth time in April 2007.
11. Field committees have been formed to conduct surveys and compile data on forces as a first step to facilitate logistical support and integration.
12. The Commander of the African Union forces has sent commissions to locate sites to pave the way for the integration phase.
13. The Transitional Darfur Regional Government (TDRA) has been formed, headed by the Senior Assistant to the President.
14. TDRA offices and headquarters have been opened in El Fasher, Nyala and El Geneina.
15. Work is ongoing to inaugurate a security arrangements committee in El Fasher, Nyala and El Geneina.
16. On 12 November in Addis Ababa, the Joint Commission decided to open a second chamber of the Ceasefire Commission in El Fasher, to be overseen by the Commander of the African Union forces with the non-signatories in El Fasher only, who made a commitment:
 - (a) To observe a comprehensive ceasefire;
 - (b) To refrain from obstructing the African Union forces, the signatories, aid or citizens;
 - (c) To open routes for the movement of aid and citizens;

(d) To move towards political dialogue in order to join the peace in accordance with the Peace Agreement.

17. A meeting of the Joint Commission was held in El Fasher on 7 February 2007 to embark on an implementation agenda for this agreement in the area of security arrangements (disarmament and implementation of the remaining provisions).

18. Non-military support for movement fighters has been requested from the African Union and the international community (through a commission provided for in the Agreement). Government is currently undertaking this voluntarily.

19. Security of displaced person camps has been strengthened in coordination with the African Union and the signatories in accordance with the Agreement.

20. Security of aid convoys has been strengthened in coordination with the African Union, the Government, relevant organizations and the signatories.

21. The Joint Commission held its sixth session in Khartoum on 9 May 2007.

While we continue to proceed with these efforts in the area of security arrangements, we must point out the following:

1. Despite the continuing claims that abound in the international media about conditions in Darfur, there has been a definite decline in violence as regards the activity of armed organizations that rejected the Abuja Agreement. Skirmishes and clashes between them and the signatories have diminished considerably, while no incidents have been recorded between Government forces and the signatories for a long time.
2. It should also be noted that the violence has diminished geographically: most localities are now considered safe in general, as acts of violence are confined to a small number of localities in North and West Darfur.
3. This is aside from tribal conflicts in South Darfur (which have fallen off considerably in recent days following recent reconciliation efforts made with the support and sponsorship of the Government and State authorities) and the problem of gangs and outlaw elements who exploit the current situation in Darfur to engage in criminal activities.

While this is the overall picture of security conditions in Darfur, it should not escape our notice that successfully addressing security conditions in Darfur is directly linked to achieving full peace and stability.

**General Assembly
Security Council**

Distr.: General
31 May 2007

Original: English

**General Assembly
Sixty-first session**
Agenda items 13 and 66

**Security Council
Sixty-second year**

The situation in the Middle East

Right of peoples to self-determination

**Note verbale dated 31 May 2007 from the Permanent Mission of
the Syrian Arab Republic to the United Nations addressed to the
Secretary-General**

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to its note dated 6 January 2007, has the honour to attach a letter concerning the health situation of Mr. Saitan Nemr Al-Wali, a Syrian detainee in the Nafha Israeli prison (see annex).

It would be greatly appreciated if the present note and its annex were circulated as a document of the sixty-first session of the General Assembly under agenda items 13 and 66, and of the Security Council.



Annex to the note verbale dated 31 May 2007 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

I am writing to you to inform you of the circumstances of the arbitrary and illegal detention of Saytan Nimr al-Waliy, a Syrian prisoner from the occupied Syrian Golan, who is being held in solitary confinement in the Israeli Nafha prison. He was sentenced to 27 years in prison on the charge of refusing Israeli identity and insisting on retaining his Syrian citizenship.

As you know, the Charter of the United Nations, the Universal Declaration of Human Rights, the Geneva Conventions of 1949, and relevant United Nations resolutions, in particular Security Council resolution 497 (1981), which deemed the annexation by Israel, the occupying Power, of the Syrian Golan and efforts to alter its character null and void — all these obligate Israel not to expose the inhabitants of the occupied territory to any threat and to comply with the binding rules of international law in this regard. Consequently, Israeli practices in this context violate the Charter of the United Nations, basic human rights principles and Security Council resolutions, and Israel is therefore accountable for them under the Charter.

The health condition of prisoner Saytan Nimr al-Waliy is cause for extreme concern. He has spent 22 years in Israeli detention being slowly murdered through the deliberate neglect of his health situation by the prison administration. He has now become swollen and unable to walk or even speak, and is currently living on artificial respiration.

My delegation calls on you, and through you on the United Nations and relevant bodies, to pressure Israel to provide necessary treatment to the prisoner immediately and to allow representatives of the International Red Cross, accompanied by doctors qualified to monitor his health condition, to visit him with a view to his release, along with 20 other comrades who have been held in Israeli prisons for more or less 22 years and who are also suffering from extremely serious medical conditions. We recall in this regard the inhumane detention conditions that led to the death of Syrian prisoner Hayil Abu Zayd in 2005 after the United Nations and International Committee of the Red Cross obtained his release from prison.

Practices violating all humanitarian standards that are being perpetrated by Israel, the occupying Power, in many areas of the Syrian Golan, including arbitrary detention and unparalleled mistreatment of prisoners, must be re-evaluated and recognized for what they are, and efforts to reject, resist and expose them must be renewed so that they will not be continued in future.

My delegation would be grateful if you would have the text of the present letter circulated as a document of the United Nations and distributed to the President of the General Assembly and the President and members of the Security Council. May I remind you that we raised the issue of prisoner Saytan Waliy and other Syrian detainees from the occupied Syrian Golan with Mr. Michael Williams, your personal envoy to the Middle East, at one of our meetings with him on 19 January 2007 and he promised us that he would make all possible efforts in this regard. Our delegation

also previously brought his case up in our note of 6 January 2006 in which we raised the tragic conditions of Syrian detainees from the occupied Syrian Golan being held in Israeli prisons.

(Signed) Bashar **Ja'afari**
Ambassador
Permanent Representative

**General Assembly
Security Council**Distr.: General
1 June 2007

Original: English

**General Assembly
Sixty-first session
Agenda item 26
Report of the Peacebuilding Commission****Security Council
Sixty-second year****Identical letters dated 30 May 2007 from the Chairman of the
Peacebuilding Commission addressed to the President of the
General Assembly and the President of the Security Council**

I have the honour to transmit to you the report of the Peacebuilding Commission on its mission to Burundi, which was conducted from 9 to 15 April 2007 (PBC/1/BDI/2).

In his letter dated 21 June 2006, the President of the Security Council requested the advice of the Peacebuilding Commission on the situations in Burundi and Sierra Leone. In its report on its mission to Burundi, the Commission has summarized, in particular, the gaps in terms of meeting peacebuilding priorities that continue to constitute obstacles to longer-term development in Burundi, and has also highlighted the important progress that the country has made towards achieving sustainable peace.

The mission was conducted to obtain first-hand information about the situation in the country and assess challenges to peacebuilding; discuss with the Government and other stakeholders gaps within priority areas for peacebuilding; agree on the development of an integrated peacebuilding strategy; and communicate to stakeholders on the ground the main principles and purposes of the Peacebuilding Commission.

The mission identified a number of priorities for peacebuilding, notably the implementation of the 2006 ceasefire agreement with Palipehutu-FNL; the establishment of transitional justice mechanisms and the consolidation of inclusive and participatory governance; ensuring the full participation of civil society; the need for additional resources for the implementation of critical interventions in priority areas across all sectors; the need to build national capacity in all sectors; and the need to ensure that the basic social and economic rights of all, particularly those of vulnerable women and youth, are fulfilled in order to meaningfully engage the population in peacebuilding efforts in the priority areas.

The mission also noted that the Government of Burundi, with the support of the international community, has undertaken a number of steps to address the



remaining challenges. In order to ensure that the engagement of the Peacebuilding Commission with Burundi enhances the peace consolidation efforts, the Government of Burundi and the Commission agreed to develop a strategic framework as a medium-term framework for cooperation. The strategic framework will serve as a framework for mutual accountability and will track commitments and actions to be undertaken by the Government and its partners in the pursuit of sustainable peace.

The support of the General Assembly and the Security Council for the development of the strategic framework and its implementation will be critical for its success. The Assembly and the Council may wish to call on all stakeholders, including the United Nations Integrated Office in Burundi, as well as international partners, to fully engage in the process of the development of the strategic framework and its timely implementation.

The round table that was held in Bujumbura on 24 and 25 May 2007 marked a critical milestone for the country and offered the international community an opportunity to renew its commitments to supporting the recovery, reconstruction and development of Burundi. Every effort was made to encourage all stakeholders in Burundi to participate and a successful outcome of the round table was achieved.

The completion of the Commission's first field missions marks a new stage in its work to ensure sustainable peace in the countries with which it is engaged, including through the establishment of integrated peacebuilding strategies, and provides an opportunity to update the members of the General Assembly and Security Council on developments and progress achieved to date.

As we begin the task of drafting the first annual report of the Peacebuilding Commission, let me assure you of our commitment to keep the General Assembly, the Security Council and other United Nations bodies abreast of our deliberations.

I would be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 26, and of the Security Council.

(Signed) Ismael Abraão Gaspar **Martins**
Chairman of the Peacebuilding Commission



**General Assembly
Security Council**

Distr.: General
4 June 2007

Original: English

General Assembly
Sixty-first session
Agenda items 17 and 27

Security Council
Sixty-second year

**The situation in the occupied territories
of Azerbaijan**

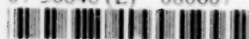
**Protracted conflicts in the GUAM area and
their implications for international peace,
security and development**

**Letter dated 1 June 2007 from the Permanent Representative
of Azerbaijan to the United Nations addressed to the
Secretary-General**

I have the honour to transmit herewith paragraphs related to the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan contained in the Islamabad Declaration and Final Communiqué adopted by the 34th Session of the Islamic Conference of Foreign Ministers held on 15-17 May 2007 in Islamabad, Islamic Republic of Pakistan, the distinguished international organization comprising 57 member States (see annex).

I should be grateful if the present letter and its annex were distributed as a document of the General Assembly, under agenda items 17 and 27, and of the Security Council.

(Signed) Agshin Mehdiyev
Ambassador
Permanent Representative



**Annex to the letter dated 1 June 2007 from the Permanent
Representative of Azerbaijan to the United Nations
addressed to the Secretary-General**

ISLAMABAD DECLARATION

**ADOPTED BY THE THIRTY FOURTH SESSION OF THE
ISLAMIC CONFERENCE OF FOREIGN MINISTERS
(SESSION OF PEACE, PROGRESS AND HARMONY)
ISLAMABAD, ISLAMIC REPUBLIC OF PAKISTAN
28-30 RABI AL-THANI, 1428 H (15-17 MAY 2007)**

20. We strongly condemn the aggression of Armenia against Azerbaijan and call for the immediate, complete and unconditional withdrawal of the Armenian occupying forces from all occupied territories of Azerbaijan. We call for peaceful resolution of conflict on the basis of respect for territorial integrity and inviolability of internationally recognized borders.

**FINAL COMMUNQUÉ
OF THE THIRTY-FOURTH SESSION
OF THE ISLAMIC CONFERENCE OF FOREIGN MINISTERS
(SESSION OF PEACE, PROGRESS AND HARMONY)**

**ISLAMABAD, ISLAMIC REPUBLIC OF PAKISTAN
28-30 Rabi Al-Thani 1428
(15-17 May 2007)**

26. The Conference reiterated its condemnation of the continuing aggression by the Republic of Armenia against the sovereignty and territorial integrity of the Republic of Azerbaijan, which constitutes a blatant violation of the principles of the United Nations Charter and international law. It called for total, unconditional, and immediate withdrawal of the Armenian forces from all the occupied Azerbaijani territories.
27. The Conference reiterated its determination to support the efforts of the Government of Azerbaijan aimed at removing the obstacles to the peace process, such as the transfer of settlers of Armenian nationality, practices of artificial geographic, cultural, and demographic alterations, unlawful economic activity, and exploitation of natural resources in those occupied territories. The Conference condemned Armenia and demanded to stop these activities as well as the continued destruction of Azerbaijan's cultural and historical heritage including Islamic monuments. The Conference urged all Member States to further strengthen their solidarity with Azerbaijan and to extend their full support to its endeavors to achieve soon the restoration of complete sovereignty and territorial integrity of Azerbaijan.



Security Council

Distr.: General
4 June 2007

Original: English

Report of the Secretary-General on the United Nations Operation in Cyprus

I. Introduction

1. The present report on the United Nations operation in Cyprus covers developments from 25 November 2006 to 25 May 2007, and brings up to date the record of activities carried out by the United Nations Peacekeeping Force in Cyprus (UNFICYP) pursuant to Security Council resolution 186 (1964) and subsequent Council resolutions, the most recent being resolution 1728 (2006).
2. As at 30 April 2007, the strength of the military component stood at 856 all ranks and the strength of the police component stood at 64 (see annex).

II. Mission of good offices and other developments

3. On 15 December, the Security Council adopted resolution 1728 (2006), by which, *inter alia*, it expressed full support for the process agreed upon by the Greek Cypriot leader, Tassos Papadopoulos, and the Turkish Cypriot leader, Mehmet Ali Talat, on 8 July 2006, and encouraged active participation in bicomunal discussions as described in the letter dated 15 November 2006 from the then Under-Secretary-General Ibrahim Gambari, to which both leaders had responded positively, under the auspices of my Special Representative. The Security Council called for the early completion of the preparatory phase so that a fully fledged good offices process might resume as soon as possible. At the same time, the Council regretted the continued lack of trust between the parties, which had prevented the implementation of the 8 July agreement.

4. Over the past six months, my Special Representative has continued efforts aimed at facilitating the implementation of the 8 July agreement (see S/2006/572) through intensive discussions with the two leaders and their representatives. Thus far, 14 meetings of the Coordination Committee, comprising the advisers of the two leaders and my Special Representative, have been convened, in addition to a number of bilateral meetings between the Special Representative and each side. The main objective of the Coordination Committee has been to agree on the modalities for the launching of the bicomunal working groups, which will deal with substantive issues, and the bicomunal technical committees, which will discuss issues affecting the day-to-day life of the people. There is a broad consensus on the way forward, based on procedural clarifications and agreements, including preliminary



agreement on the list of issues for the technical committees and the working groups. However, differences remain concerning the interpretation of the agreement, most notably on what constitutes a day-to-day matter, and the mechanism for resolving disagreements. Although an understanding and referendum was reached at the Coordination Committee meetings on 9 and 10 March, it foundered on the above points. Despite the commitment of the two leaders in July to ensuring that the "right atmosphere" prevail for the process to be successful, including by putting an end to the so-called blame game, the two sides continued to engage in mutual recriminations throughout the reporting period.

5. On 27 March, in a statement to the press, the members of the Security Council urged both communities to work with the United Nations to implement the 8 July agreement, in particular through the immediate creation of bicomunal working groups and technical committees in order to prepare the ground for full-fledged negotiations leading to a comprehensive settlement.

6. On 9 February, I met the Minister for Foreign Affairs of Turkey, Abdullah Gül, in New York and stressed the need for both sides to implement the 8 July agreement without delay. Mr. Gül promised that Turkey would be supportive in seeking a lasting solution under the auspices of my good offices mission. He expressed the hope that the 8 July agreement would lead to a meaningful dialogue.

7. In a meeting on 20 March in New York, the Minister for Foreign Affairs of Greece, Dora Bakoyannis, stressed to me the need for the 8 July agreement to be implemented, and stated that discussion of all issues, including contentious ones such as property should be allowed. She also emphasized the importance of adhering to the agreed framework, stating that the leaders should meet one week after the formal launch of the process, as suggested by the Under-Secretary-General for Political Affairs last November. I reiterated to the Minister the need for both sides to implement the 8 July agreement.

8. On 29 March, I met the Prime Minister of Turkey, Recep Tayyip Erdoğan, in Riyadh. Expressing his gratitude to the United Nations for its efforts in the search for a comprehensive settlement, the Prime Minister stressed the importance of planning the next phase. He recalled that my predecessor's report of 28 May 2004 to the Security Council (S/2004/437) had not been acted upon yet. In that connection, he reiterated that the isolation of the Turkish Cypriots should be lifted. I stated to the Prime Minister that all concerned needed to be encouraged to engage in the 8 July agreement process.

9. Early in April, Mr. Talat shared with me his misgivings over the direction in which the process appeared to be moving. Nonetheless, his adviser assured my Special Representative and the Under-Secretary-General for Political Affairs of the continuing commitment of the Turkish Cypriot side to the 8 July agreement process. In the meantime, the Greek Cypriot side also reconfirmed its commitment to the process. In the light of these developments, my Special Representative has continued his efforts with both sides.

10. On 24 April, the results of an independent island-wide opinion poll, commissioned by UNFICYP to evaluate the effectiveness and ongoing relevance of the United Nations work in Cyprus, indicated popular support in both communities for the 8 July agreement process and its stated objectives. It revealed that a large majority in each community would accept a solution based on a bizonal,

bicommunal federation. According to the same poll, only a small minority in each community believed that the status quo was the answer.

11. The European Union aid package for the Turkish Cypriot community has begun to be implemented. The purpose of this assistance is to help reduce the socio-economic disparities between the sides, and it should therefore be considered as a positive step towards lifting the isolation of the Turkish Cypriots, as called for by my predecessor in his report of 28 May 2004, by which I stand. On 11 December 2006, the presidency of the European Union expressed its full support for the resumption of the negotiations for a comprehensive settlement of the Cyprus problem under the auspices of the Secretary-General.

III. Operations of the Force

A. Prevention of the recurrence of fighting and maintenance of the military status quo

12. The military and security situation along the ceasefire lines continued to be largely stable. In general, the opposing forces cooperated with UNFICYP to ensure peace and security in the buffer zone.

13. There were a total of 473 violations and other incidents during the reporting period. That represents an increase of 143 violations over the last reporting period, owed to civilian incursions into the buffer zone during the hunting season. The number of violations by the opposing forces was similar to those that characterized previous reporting periods. Typical violations included exceeding the permitted manning of positions, limited construction at and improvements to observation posts, and the photographing of opposing force positions. In addition, the forces of both sides serving in the observation post positions along the ceasefire line in the old city of Nicosia have often demonstrated lack of discipline. Incidents included the shouting of insults and the throwing of stones or bottles towards the opposing position, towards soldiers authorized to work on observation posts, or towards civilian vehicles outside the buffer zone. Such incidents persisted despite UNFICYP protests, and the opposing forces appeared unwilling to prevent these activities.

14. In late December, the Turkish Cypriots dismantled the bridge over the military patrol track, north of the Turkish Forces ceasefire line on Ledra Street. Once the work had been completed, a fibreglass wall was erected along the Turkish Forces ceasefire line. In early March, the National Guard removed the wall on Ledra Street south of their ceasefire line. The National Guard replaced the concrete structure with a fibreglass wall. Both sides continue to maintain a military presence in these locations. The National Guard has additionally installed a high-powered searchlight that has been the subject of protests from the Turkish Cypriot side. Since the destruction of the bridge and the concrete wall, UNFICYP has been engaged in discussions with representatives of both opposing forces in an attempt to facilitate the long-delayed opening of a crossing point along Ledra Street.

15. The Turkish Forces have previously shown restraint when civilians have approached their ceasefire line. During the reporting period, the Turkish Forces demonstrated a greater willingness to engage civilians close to their ceasefire line, in full implementation of their rules of engagement. On two separate occasions,

Turkish Forces fired warning shots in the direction of Greek Cypriot farmers working close to the Turkish Forces ceasefire line. In the first incident on 30 January, a United Nations patrol in the area of Athienou reported approximately 10 shots fired into the buffer zone from behind the Turkish Forces ceasefire line. In the second incident on 31 January, a Greek Cypriot working in the vicinity of Astromeritis reported approximately six shots fired by a Turkish Forces patrol. The Commander of the Turkish Forces confirmed that his troops had fired warning shots towards civilians in the buffer zone and stated that the principal concern of the Turkish Forces regarded the use of land close to their ceasefire line. UNFICYP strongly protested both incidents.

16. On a number of occasions, civilian persons from both communities contributed to raising tensions in the buffer zone, particularly in areas close to the Turkish Forces ceasefire line. In separate incidents a shotgun was discharged, from the Greek Cypriot side, in the direction of a Turkish Force observation post and a United Nations sign was erected to indicate that the perimeter of the buffer zone was damaged by gunshots. Unruly behaviour of civilians in the buffer zone disrupted UNFICYP operations at least twice and involved assaults against United Nations personnel and damage to United Nations equipment.

17. The hunting season saw continued ingress into the buffer zone by members of the Greek Cypriot community. UNFICYP responded to prevent an increase in tension and ensure that those who entered the buffer zone left without incident. Both communities have been urged to exercise restraint and to comply with UNFICYP procedures during the forthcoming harvest season. Of principal concern is the Kaimakli area of north-east Nicosia (sector 2), where Greek Cypriot farmers reportedly intend to work on land close to the Turkish Forces ceasefire line, and Avlona area, where Greek Cypriot farmers have attempted to farm close to the Turkish Forces ceasefire line, without UNFICYP approval.

18. I am encouraged that neither side conducted major military manoeuvres during the reporting period, and urge the opposing forces to exercise similar restraint in the forthcoming period. However, both opposing forces completed limited military exercises close to their ceasefire lines. The Turkish Forces conducted exercises, typically at company strength (70-80 personnel), some of which involved the deployment of heavy weapons, including mortars and anti-tank recoilless rifles. These were held in training areas approximately 2,000m north of their ceasefire line. The National Guard, contrary to advance information given to UNFICYP, deployed vehicle-mounted machine guns to observation posts along their ceasefire line and exercised at regimental strength with mortars within 1,000m of their ceasefire line.

19. The Turkish Forces have completed routine maintenance on the liaison post at Strovilia and have persistently overmanned the position, in violation of the military status quo in the area. The observation posts constructed by both sides in the Dherinia area in the summer of 2006, referred to in the previous report (S/2006/931), remain in place and negotiations for their destruction have stalled. UNFICYP operations in Varosha continue to be hampered by restrictions, imposed by the Turkish Forces, on access to and movement within the fenced area. The United Nations continues to hold the Government of Turkey responsible for the status quo in Varosha.

B. Mine action

20. Mine clearance operations continued until the end of December 2006. By this time, the 13 Turkish Forces minefields located in the vicinity of Nicosia had been cleared. Following the completion of this operation, Nicosia was declared landmine-free in a ceremony held in the buffer zone. UNFICYP, on behalf of the Mine Action Centre, has continued discussions with the Turkish Forces/Turkish Cypriot Security Forces to identify additional mined areas and to agree on terms for their clearance. Due to the reservations of the Turkish Forces concerning the potential civilian use of the cleared areas and Turkish Cypriot objections regarding the source of European Union funding of the mine-clearing operation, these discussions have failed to produce positive results and no mine-clearing has taken place since the beginning of this year. In order to respond to priority tasks such as the verification of the proposed Ledra Street crossing and to ensure a rapid resumption of full activities once agreement on access to minefields is reached, the programme has retained a reduced capacity from both contractors. I encourage the earliest conclusion of negotiations so that demining activities may resume.

21. From the inception of the programme in October 2004, over 2.2 million m² of land have been released, with 25 minefields cleared and 2,816 mines destroyed (1,320 anti-personnel and 1,496 anti-tank). Since the previous report on UNFICYP (S/2006/931), 323,153 m² of land have been released through survey activities. In December 2006, the European Union confirmed that an additional €4 million would be made available for mine action, bringing the total amount of European Union funding to €9 million.

C. Restoration of normal conditions and humanitarian functions

22. UNFICYP continued to work with its United Nations partners and local actors to facilitate projects of common benefit for Turkish Cypriots and Greek Cypriots in and outside the buffer zone and to promote confidence-building measures between them. In addition, UNFICYP continued to carry out its functions with regard to the maintenance of law and order.

23. Cypriots on both sides of the buffer zone continued to use the crossing points for various activities, including trade, religious and bicommunal events, without major incidents. UNFICYP has recorded approximately 13 million crossings since the opening of the crossing points in April 2003. That figure does not include crossings in Pergamos since 1 September 2006, when the Turkish Cypriot side discontinued sharing statistics on the movement of people at that crossing. Since August 2004, goods worth approximately £C 2 million (more than US\$ 4 million) have crossed the Green Line from the north to the south of the buffer zone, reflecting a significant increase (£C 1 million for the period August 2004 to December 2006 and more than £C 1 million for the reporting period alone). During the period August 2004 to April 2007, goods worth approximately £C 500,000 (approximately US\$ 1 million) crossed from south to north.

24. No agreement was reached on the opening of additional crossing points, despite some positive steps taken by both sides towards the opening of the Ledra Street crossing point in Nicosia (see para. 14). By its letter of 8 March, the Greek Cypriot side informed my Special Representative that it had decided to proceed with

construction work at a prospective crossing point between Kato Pyrgos-Karavosti in the north-western part of Cyprus. Construction work is under way to the west of the National Guard ceasefire line outside the buffer zone.

25. UNFICYP facilitated 37 bicomunal events with the participation of approximately 2,000 people from both sides. These events were held in the buffer zone, at the Ledra Palace Hotel, which continues to be viewed by both sides as an essential, neutral venue for hosting bicomunal activities. There was a significant increase in the number of events at the Ledra Palace during the reporting period. In December 2006, in the bicomunal village of Pyla, UNFICYP facilitated a children's event, which included the nursery and primary schools of both Cypriot communities. That event was followed by commitments to continue to engage in joint cultural activities in 2007. UNFICYP also supported a United Nations Development Programme-led international civil society fair from 3 to 5 May at the Ledra Palace Hotel crossing with about 1,500 participants.

26. Regular monthly meetings between Greek Cypriot and Turkish Cypriot political party leaders continued to be held at the Ledra Palace Hotel under the auspices of the Embassy of Slovakia. My Special Representative attended these meetings on a number of occasions to brief participants on the political process. In March, for the first time, the political party leaders agreed on a range of bicomunal confidence-building initiatives, though of limited scope.

27. During the reporting period, UNFICYP conducted 60 humanitarian convoys and humanitarian visits in support of the 384 Greek Cypriots and 142 Maronites living in the north. An increasing number of Maronite and Greek Cypriot persons are expressing an interest in returning permanently to their villages in the north, often to look after parents who stayed behind and are now growing too old to look after themselves. UNFICYP continued to assist Turkish Cypriots living in the south in obtaining identity documents, housing, welfare services, medical care, employment and education.

28. The trend towards increased construction on the Turkish Cypriot side continues to be a cause of concern, as it may complicate efforts towards a comprehensive settlement. UNFICYP received complaints from the Greek Cypriot side that uninhabited houses in Rizokarpaso belonging to Greek Cypriots were being demolished. UNFICYP confirmed that and protested to the Turkish Cypriot side the practice of demolishing houses without the owners' consent. UNFICYP personnel faced difficulties accessing the Greek Cypriot community in the Karpas area, with restrictions being placed by local police on home visits without prior clearance. UNFICYP has protested these new restrictions. UNFICYP has two police officers based in Leonarisso, to attend to the Greek Cypriot inhabitants in this region and to assist with the weekly resupply runs and home visits. On 18 and 19 April, UNFICYP personnel were prevented by the Turkish Cypriot side from accessing the Leonarisso station in the north to perform regular health, safety and maintenance-related tasks. UNFICYP protested these incidents.

29. UNFICYP continued to follow the establishment of a Turkish language primary school in Limassol, to which the Greek Cypriot side had committed in March 2005. The school is not yet operational. At its request, UNFICYP met with the Turkish Cypriot Teachers' Trade Union on this subject and other issues related to the education of Turkish Cypriot schoolchildren in the south. The formal proceedings of the lawsuit filed by the Turkish Cypriot Teachers' Trade Union with

the Supreme Court to guarantee Turkish Cypriots the right to an education in their mother tongue have been adjourned several times (see S/2006/931, para. 27). The next trial date is set for 7 June 2007. UNFICYP follows developments on this issue, pending the outcome of the judicial proceedings. At the same time, efforts continue to improve conditions for Turkish Cypriot children in a Greek Cypriot school in Limassol.

30. UNFICYP assisted in arranging two pilgrimages by Greek Cypriots to churches in the buffer zone. On 9 April, approximately 100 Greek Cypriots visited the Varisha church to conduct annual religious services, and on 1 May, approximately 200 Greek Cypriots prayed at the Ayios Georgios Soleas church. In addition, on 6 May approximately 140 Armenian Cypriots visited the Saint Magar Armenian Monastery on the northern slopes of the Kyrenia mountain range for the first time since 1974.

31. UNFICYP is facilitating a request by the Maronite community to return an icon from a museum in the north to the church in the Maronite village of Kormakitis. It has also been asked to facilitate the temporary relocation of 15 icons from the church in Kormakitis for restoration works in the south. These issues have been taken up with the Turkish Cypriot authorities.

32. UNFICYP continued to receive requests from both Cypriot communities in relation to the desecration of, access to and preservation of sites and items of cultural and religious significance. On 21 February, H.E. Chrysostomos II, Archbishop of Nova Justina and All Cyprus, and Ahmet Yönlüer, the head of religious affairs in the north, met under the auspices of the President of the Parliamentary Assembly of the Council of Europe, René van der Linden. They expressed their mutual commitment to contribute to an atmosphere of trust and tolerance in Cyprus and agreed "to take practical steps to promote respect, including efforts towards restoration, for sites of religious significance of the other community". As a first step, they planned to work towards the goal of enabling worship at the Hala Sultan Tekke Mosque in Larnaca and the Apostolos Andreas Monastery on the Karpas Peninsula. My Special Representative has since written to the two religious leaders to congratulate them on their meeting and encourage them to address specific issues of concern to both communities.

33. The number of civilians seeking to construct or otherwise develop land in the buffer zone, often outside of the procedures established by UNFICYP to safeguard the stability of and security within the buffer zone, continues to grow. A significant part of the resources and energy of UNFICYP operations is increasingly geared towards addressing this development. UNFICYP continues to call on both sides to provide greater support to the Mission in exercising its mandate in the buffer zone with respect to civilian activities. To this end, UNFICYP continued discussions with the two sides on practical modalities to prevent unauthorized civilian activities in the buffer zone outside of the areas designated for civilian use.

34. A number of projects were authorized by UNFICYP during the reporting period, in accordance with its mandate to restore normal conditions in the buffer zone. These included the sinking of a well to supply water to both communities in the villages of Petra/Taskoy and Peristerona/Cengizkoy, the replacement of an asbestos water pipeline from the water pump into the village of Kato Kopia/Zumrutkoy, construction works for an access road and the construction of a fenced road to the Pascal School in Nicosia, the construction of a pumping station to

help implement the sewerage system in wider Nicosia and the construction of a road to the Palouriotissa Lyceum in Nicosia.

35. UNFICYP facilitated anti-malaria spraying activities in the buffer zone, carried out by the health services of both sides, until the last week of December 2006. The anti-malaria spraying activities resumed on 5 April and will continue until December 2007. UNFICYP continued to engage the local authorities on both sides in an anti-dumping campaign, in response to an increase in the number of illegal waste dumping sites in the buffer zone. In this connection, UNFICYP also supported a campaign led by the United Nations Development Programme to promote environmental awareness in the buffer zone.

36. During the reporting period, UNFICYP was faced with increasing incidences of unauthorized, at times challenging, behaviour of members of the Greek Cypriot community living in the buffer zone. On 4 January, an incident took place in the area of Troulli village on an unauthorized road construction site in the buffer zone. It resulted in criminal charges being laid against three members of the Greek Cypriot community. This and other similar cases are beginning to show an emerging pattern of increased questioning of UNFICYP authority in the buffer zone.

37. UNFICYP continued liaising with the two sides on law enforcement and issues related to crossings. Twenty medical evacuations were facilitated from the north, and the remains of three Greek Cypriots were returned for burial in their villages in the northern part of the island. Prison visits and interviews with inmates and relevant officials of detention facilities continued. There are currently 20 Turkish Cypriots detained in the south and one Greek Cypriot in custody in the north.

38. While exchange of information on criminal matters between the two communities through UNFICYP continues to some degree, during the reporting period no further progress was made in bringing the two sides closer on law enforcement matters. This lack of cooperation undermines UNFICYP efforts to facilitate the resolution of law enforcement-related issues involving the two sides, in particular in the buffer zone. This was evident during an incident near Pyla village in the buffer zone, on 26 January, where the Turkish Cypriot side confronted UNFICYP police who had attempted to facilitate the Greek Cypriot side's access to a tragic accident scene. Incidents of illegal crossings of the buffer zone continue unabated. Reports concerning the arrests of persons involved in human trafficking are encouraging. There is still a need for greater cooperation between the two sides on these and other criminal matters. Following the opening of the crossing points, UNFICYP has been receiving increased requests to assist in locating third party nationals suspected of having been victims of trafficking on the island.

39. UNFICYP continued to coordinate and facilitate activities on gender-related issues on the island, such as the Cypriot Women's Policy Group. Made up of women from both sides of the island, it provides a platform for addressing gender issues throughout Cyprus. On International Women's Day, UNFICYP hosted an event consisting of a play on domestic violence, which was written, directed and acted in by UNFICYP staff, followed by a bicomunal panel discussion on ending impunity for violence against women. Municipal representatives of both north and south Nicosia attended, and discussions have since ensued on funding for a bicomunal shelter for battered and trafficked women.

IV. Committee on Missing Persons in Cyprus

40. During the reporting period, the Committee on Missing Persons in Cyprus, pursued its project on the exhumation, identification and return of remains in Cyprus, launched in August 2006. To date, the remains of over 250 individuals have been exhumed from sites on both sides of the buffer zone. Approximately 150 have undergone examination at the Committee's anthropological laboratory in the United Nations Protected Area in Nicosia. At the beginning of April, the first bone samples were sent to the DNA laboratory for formal identification. It is expected that the process of returning remains of missing individuals to their families will begin in June.

41. The project on the exhumation, identification and return of remains in Cyprus, which is entirely bicommunal in character, continues to benefit from broad political and public support. The above-mentioned opinion poll shows that almost all Greek Cypriots and a strong majority of Turkish Cypriots believe that the process of exhumation and identification of remains is essential to resolving the issue of missing persons.

V. Financial and administrative aspects

42. As indicated in my previous report (S/2006/931), the General Assembly, in its resolution 60/270 of 30 June 2006, appropriated for the maintenance of UNFICYP for the period from 1 July 2006 to 30 June 2007 the amount of \$44.8 million gross (\$43 million net). In this regard, I am grateful for the voluntary contribution of one third of the cost of the Mission, equivalent to \$14.9 million, by the Government of Cyprus, and the voluntary contribution of \$6.5 million by the Government of Greece. I invite other countries and organizations to do likewise, with a view to reducing the portion of the cost of UNFICYP covered by assessed contributions.

43. The proposed budget for the maintenance of UNFICYP for the period from 1 July 2007 to 30 June 2008, which amounts to some \$46.8 million, is currently under consideration by the General Assembly.

44. As at 31 March 2007, the total outstanding assessed contributions to the special account for UNFICYP for the period from 16 June 1993 to 15 June 2007 amounted to \$17.9 million. The total outstanding assessed contributions for all peacekeeping operations as at the same date amounted to \$1,801.5 million.

45. As at 31 December 2006, amounts owed to troop contributors totalled \$8.8 million. As a result of the delay in the receipt of assessed contributions, reimbursement of troop and contingent-owned equipment costs has been made only for the period up to 30 April 2006 and 31 March 2006, respectively.

46. In the previous report on Cyprus, reference was made to the conditions endured by UNFICYP soldiers at Ledra Palace Hotel and Camp San Martin. The report stressed the urgency and importance of swift completion of the repair work needed to ensure the minimum level of health and safety requirements for the Force troops. Since then, despite prolonged dialogue between the United Nations and the Republic of Cyprus, and discussions between the Government of the troop-contributing country concerned and the host Government, very limited progress has been achieved towards resolving this issue. On 24 May, following a meeting with

UNFICYP, the Cypriot authorities undertook to provide a detailed workplan for the refurbishment shortly. In the meantime, the continued exposure of UNFICYP personnel to these hazards presents an unacceptable risk to their health and safety. I therefore call on the host Government to comply with its legal obligation to provide appropriate accommodation facilities under the status of forces agreement.

VI. Observations

47. During the last six months, the situation along the ceasefire lines has remained generally calm and stable. The opposing forces extended cooperation to UNFICYP and generally refrained from actions that could disrupt efforts to resume political negotiations. However, safety and stability in the buffer zone continued to be negatively affected by members of the civilian population seeking to exercise their property rights in the buffer zone in disregard of security considerations. In this connection, UNFICYP will continue to support civilian activities in the buffer zone in full respect of ownership rights. However, such activities will not be allowed at the expense of stability and security for which the United Nations bears direct responsibility. Moreover, I firmly believe that the situation would improve further if both sides accepted the 1989 aide-memoire used by the United Nations to regulate activities in the buffer zone for the past 18 years. I call on both sides to accept it without delay.

48. In the absence of a comprehensive settlement, UNFICYP has played an important role in maintaining peace and security in Cyprus. Nonetheless, the continued involvement of the international community in Cyprus, through UNFICYP, at least in its current form, should not be taken for granted. After 43 years of presence in Cyprus, the value added of UNFICYP, particularly in the absence of significant progress on the political process, is increasingly being questioned by various actors in the international community.

49. Despite the absence of significant progress, the parties have taken small but incremental steps in the right direction. There has been a sustained dialogue between the representatives of the two leaders on the modalities for the launching of the bicomunal working groups and the bicomunal technical committees. While the 8 July agreement is yet to be implemented, it should be noted that the two sides have come close, on several occasions, to reaching agreement on the start of the process.

50. A sustained dialogue between the two sides is itself no small achievement, in the light of the continuing mistrust between the Greek Cypriots and the Turkish Cypriots, especially since the 2004 referendums. The time has come, however, to move from talks about procedure to substance. The work of the last 16 months should be brought to fruition, with the implementation of the 8 July agreement. In this regard, the parties are once again reminded of the repeated calls by the Security Council for its implementation. It is high time that the considerable convergence of positions be translated into action. In this regard, and in order to build trust between the sides, I urge both leaders to honour their written commitment and bring to an end the ongoing mutual recriminations, which only serve to undermine the process.

51. I regret to be unable to report any meaningful improvement in the atmosphere in which Cypriots of both sides are allowed to engage in bicomunal contacts. Unhindered interaction aimed at building trust between the communities is in line

with the spirit and letter of the July agreement. In addition, I believe that an active and flourishing civil society could provide critical support to the political process. In this regard, I encourage all Cypriots to become more involved in the debate on the future of their country.

52. It is my firm belief that the responsibility of finding a solution lies first and foremost with the Cypriots themselves. The United Nations remains committed to supporting a political process and facilitating reconciliation. It is essential that the parties demonstrate their readiness to match words with deeds through sincere efforts to reach a comprehensive settlement. It should also be clear to all that there is a considerable body of work and basic agreements relating to the established parameters for a solution, which may be drawn on in the search for a future settlement.

53. I note with regret that no further progress has been achieved during the reporting period on demining. I urge the Turkish Forces and the Turkish Cypriot side to re-engage with UNFICYP to renew the agreement in order to allow for the completion of mine clearing in the buffer zone.

54. I am gratified that the Committee on Missing Persons has maintained the momentum and advanced towards resolving one of the most painful aspects of the Cyprus problem. I sincerely hope that this bicomunal endeavour will not only address a burning humanitarian question, but will also reflect positively on both communities' broader efforts towards reconciliation.

55. I am grateful for the strong support received both in New York and on the island from the members of the Security Council, as well as other Member States, for United Nations efforts.

56. In the absence of a comprehensive settlement, the presence of UNFICYP on the island remains important. I therefore recommend that the Security Council extend the mandate of the Force by a further period of six months, until 15 December 2007. At the same time, there may be a need for a further review of the operation at an appropriate juncture.

57. In conclusion, I wish to express my appreciation to my Special Representative and Chief of Mission, Michael Møller, to the Force Commander, Major General Rafael Barni, and to the men and women serving in UNFICYP for the efficiency and dedication with which they have discharged the responsibilities entrusted to them by the Security Council.

Annex

Countries providing military and civilian police personnel (as at 30 April 2007)

<i>Country</i>	<i>Military personnel</i>
Argentina*	292
Austria	4
Canada	1
Hungary	84
Slovakia*	200
United Kingdom of Great Britain and Northern Ireland	275
Total	856

	<i>United Nations police</i>
Argentina	4
Australia	15
Bosnia	3
Croatia	2
El Salvador	7
India	4
Italy	4
Ireland	18
Netherlands	7
Total	64

- * The Argentinian contingent includes soldiers from Chile (15), Paraguay (14) and Peru (14).
- * The Slovakian contingent includes soldiers from Croatia (4).



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Agenda items 66, 80 and 100

Right of peoples to self-determination

**The rule of law at the national and
international levels**

Measures to eliminate international terrorism

Security Council
Sixty-second year

**Letter dated 1 June 2007 from the Permanent Representative
of the Bolivarian Republic of Venezuela to the United Nations
addressed to the Secretary-General**

I have the honour to refer to the recent release of the international terrorist, Luis Posada Carriles, in the territory of the United States of America.

The Government of the Bolivarian Republic of Venezuela reiterates that the United States Government is obliged to hand over to our country the notorious international terrorist, Luis Posada Carriles, in accordance with the provisions of the International Convention for the Suppression of Terrorist Bombings; the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and the bilateral extradition treaty signed by Venezuela and the United States in 1922.

The Luis Posada Carriles case is emblematic of the counter-terrorism effort, which is the responsibility of all democratic States. There are no good terrorists or terrorists who should be protected; terrorism must be combated in all its forms and manifestations.

In light of the importance of this issue, I have the honour to attach herewith a copy of the Declaration of the Heads of State and Government of the Countries Members of the Bolivarian Alternative for the Peoples of Latin America (ALBA) in reference to the release of the terrorist, Luis Posada Carriles, which was adopted at the Fifth Summit of ALBA, held in Barquisimeto, Venezuela on 28 and 29 April 2007 (see annex).

I would be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda items 55, 80 and 100 and as a document of the Security Council.

(Signed) Francisco Javier Arias Cárdenas
Ambassador
Permanent Representative



Annex to the letter dated 1 June 2007 from the Permanent Representative of the Bolivarian Republic of Venezuela

Declaration of the Heads of State and Government of the Countries Members of the Bolivarian Alternative for the Peoples of Latin America

[29 April 2007]

The Heads of State and Government of the Countries Members of the Bolivarian Alternative for the Peoples of Latin America (ALBA), meeting in Barquisimeto, Venezuela on 28 and 29 April 2007, considered the recent release on bail of the international terrorist, Luis Posada Carriles.

The Heads of State and Government condemned this act and expressed their conviction that it was a consequence of manoeuvres orchestrated by the Government of the United States of America as payback to the terrorist for his silence and for not revealing the details of his terrorist acts, committed in the service of the United States Government against Cuba, Venezuela and other countries of Latin America, including his participation in Operation Condor and the Iran-Contra Scandal and other acts perpetrated over decades, including during the period when the father of the current President of the United States was Director of the Central Intelligence Agency (CIA).

They noted that the United States Government has all the information on the actions of Luis Posada Carriles and that, as part of the aforementioned manoeuvre, it took the political decision not to certify to the American courts, in accordance with that State's legislation, that the release of Luis Posada Carriles posed a threat to the national security of the United States or to the security of the community or of any individual.

Whereas the United States Government is unjustly and cruelly holding prisoner five young Cuban counter-terrorism fighters, it has protected the terrorist since his arrival on American soil in the vessel *Santrina*. By so doing, it has violated not only all the international counter-terrorism conventions to which it is a party, but also United Nations Security Council resolution 1373 (2001), which that Government itself promoted, and has shown its double standard through the so-called "war on terrorism" launched by its President.

Pursuant to the International Convention for the Suppression of Terrorist Bombings (which entered into force on 23 May 2001) and to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (which entered into force on 26 January 1973), to both of which it is a State party, the United States Government is obliged either to extradite Luis Posada Carriles or to bring his case before its competent authorities for trial, without any exception whatsoever and regardless of whether the crime was committed in its territory.

On the contrary, the United States Government is now agreeing to his release and has continued to ignore the request for extradition submitted in due form by the Government of the Bolivarian Republic of Venezuela nearly two years ago.

Furthermore, in January 2007, in order to appease Luis Posada Carriles and the terrorist forces that support him in United States territory, the United States

Government merely charged him with minor immigration crimes which, as part of the manoeuvre, will earn him only a light sentence.

The Heads of State and Government of the ALBA countries demand that the United States Government fulfil its international commitments and either extradite the terrorist Luis Posada Carriles to the Bolivarian Republic of Venezuela or try him for his terrorist acts, including the 1976 mid-air destruction of a Cubana de Aviación aircraft and the 1997 terrorist bombings of Cuban tourist facilities that took the life of a young Italian, Fabio di Celmo.